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TITLE 17. TRANSPORTATION**CHAPTER 1. DEPARTMENT OF TRANSPORTATION
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Article 3, consisting of Sections R17-1-301 through R17-1-349, transferred from Title 17, Chapter 4, Article 3 (Supp. 92-4).

Section

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R17-1-302.	Defining one-way haul for purposes of A.R.S. § 28-1599.13	R17-1-324.	Renumbered
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ARTICLE 1. RESERVED**ARTICLE 2. RESERVED****ARTICLE 3. TAXES****R17-1-301. Renumbered****Historical Note**

Renumbered from R17-4-301 (Supp. 92-4).

R17-1-302. Defining one-way haul for purposes of A.R.S. § 28-1599.13

For purposes of A.R.S. § 28-1599.13, "one-way haul" means the transportation of cargo by a motor vehicle in one of the sequences shown in the diagrams set forth below:

	Point of Origin				Point of Destination				Second Point Origin		
Example 1.	A	-----	Loaded	→	B						
	A	←	Unloaded	-----	B						
Example 2.	A	-----	Unloaded	→	B						
	A	←	Loaded	-----	B						
Example 3.	A	-----	Loaded	→	B	-----	Unloaded	→	C		
	A	←	Unloaded	-----	B	←	Loaded	-----	C		
Example 4.	A	-----	Unloaded	→	B	-----	Loaded	→	C		
	A	←	Loaded	-----	B	←	Unloaded	-----	C		

Each example indicates a round trip, without intermediate additions of cargo to the load or intermediate deliveries of cargo from the load except at the point of origin, point of destination, and the second point of origin.

Historical Note

Adopted effective August 1, 1988 (Supp. 88-3). Renumbered from R17-4-302 (Supp. 92-4).

R17-1-303. Renumbered**Historical Note**

Renumbered from R17-4-303 (Supp. 92-4).

R17-1-304. Renumbered**Historical Note**

Renumbered from R17-4-304 (Supp. 92-4).

R17-1-305. Renumbered**Historical Note**

Renumbered from R17-4-305 (Supp. 92-4).

R17-1-306. Motor vehicle fuel - distributor reports

- A.** That all distributors of motor vehicle fuel shall, in addition to the information now required of them as such, furnish to the Motor Vehicle Division of the Arizona Highway Department at the time of making their regular monthly report to the said Motor Vehicle Division, the following information:
1. Motor vehicle fuel on hand at first of month.
 2. Motor vehicle fuel acquired during month (sources itemized).
 3. Total sales during month.
 4. Total taxable sales during month.
 5. Sales to United States Government during month.
 6. Export sales during month (sources itemized).
 7. Motor vehicle fuel on hand end of month.
- B.** That sale of motor vehicle fuel to the Federal Government during the month must be supported by affidavit in the case of charge sales, and by submittal of U.S. Form 44 in the case of sales other than charge sales.
- C.** That the form on which the information hereby required is furnished and the form of affidavit to be used in supporting charge sales to the United States Government shall be prescribed by the Motor Vehicle Superintendent, and shall be furnished by him.

Historical Note

Former Rule, General Order 14. Former Section R17-4-05 renumbered without change as Section R17-4-306 (Supp. 87-2). Renumbered from R17-4-306 (Supp. 92-4).

R17-1-307. Motor vehicle fuel distributor records

- A.** That pursuant to the provisions of Section 1673, Revised Statutes of Arizona, 1928, every distributor shall keep a record of motor vehicle fuel produced or compounded, sold, delivered, exported or otherwise dealt in or with by said distributor, which shall show:
1. Number of gallons produced or compounded by distributor and dispensed or used from all agencies or sources other than distributor's own service stations, including fuel acquired from others, purchased, used or distributed, and the number of gallons of imported fuel sold in original package or container or other than in original package or container, including fuel sold in other states for export to Arizona, showing name and address of purchaser and number of gallons purchased.
 2. Number of gallons of return sales or recoveries account of sales previously reported. In such case the original sales voucher or tag must be taken up and kept on file for inspection.
 3. Number of gallons brought into Arizona by distributor and sold wholesale ex-tax in unbroken original package or container, showing name and address and number of gallons delivered ex-tax, in each case.
 4. Number of gallons exported by distributor. Under this heading there shall be shown the date, place of delivery or sale, and name of person to whom sale or delivery was made, for each individual sale or delivery.
 5. Number of gallons sold to United States Government, (not including gallonage shown under item (7)).
 6. Number of gallons delivered to own service stations.

7. Number of gallons delivered from service station to United States Government and included in item (6).
8. The county in which sale or delivery is completed.

B. That on or before the 15th day of each month, every distributor shall make up and file with the Superintendent of Division of Motor Vehicles, at his office in the Highway Building, in the City of Phoenix, County of Maricopa, State of Arizona, verified statement showing for the immediately preceding calendar month all data required to be kept upon said record, which statement shall be upon forms prepared and furnished by the Division of Motor Vehicles and designated as Form No. 70-3308.

Historical Note

Former Rule, General Order 5. Former Section R17-4-03 renumbered without change as Section R17-4-307 (Supp. 87-2). Renumbered from R17-4-307 (Supp. 92-4).

R17-1-308. Motor vehicle fuel - distributor exports

Each distributor shall, upon forms furnished by the Motor Vehicle Division and designated as "Motor Vehicle Fuel Export Declaration", declare the number of gallons of motor vehicle fuel being exported by him. Such forms shall be made in triplicate and shall show the number of gallons of motor vehicle fuel exported by the distributor, the capacity of the container in which such fuel is exported, the actual content of such container, the number of gallons of such fuel found in the container on return of said distributor to the State of Arizona, the net number of gallons exported by such distributor, the invoice number and amount of gallons of motor vehicle fuel sold or disposed of by such distributor in the foreign state or country to which such fuel was exported, and shall be signed by the operator of the equipment in which such motor vehicle fuel is exported and a member of the Arizona State Highway Patrol, and indicate the date and the hour of export and date and hour of the return of said distributor to the State of Arizona. The original and triplicate copy of such forms shall be retained by the operator and the duplicate to be surrendered to a member of the Arizona State Highway Patrol or an agent of the Motor Vehicle Division, and when a distributor makes a claim for refund based on motor vehicle fuel exported, the original of said "Motor Vehicle Fuel Export Declaration", properly dated, signed and executed, shall accompany such claim.

Historical Note

Former Rule, General Order 20. Former Section R17-4-06 renumbered without change as Section R17-4-308 (Supp. 87-2). Renumbered from R17-4-308 (Supp. 92-4).

R17-1-309. Motor vehicle fuel - distributor reports of sales by counties

- A.** Each county in the state of Arizona participates in motor vehicle fuel taxes in the proportion that sales in such county bear to the total sales throughout the state.
- B.** The statutes require that the county in which a sale is completed by a distributor (county in which delivery is made, irrespective of the source of supply) shall be credited with the sale.
- C.** It is essential that the accounting office of the distributor and the Motor Vehicle Division shall definitely know the county in which a delivery is made by a distributor.
- D.** On and after November 1, 1936, each distributor's invoice and duplicates covering a sale of motor vehicle fuel in this state shall designate the name of the county in which such fuel is delivered by the distributor. Such designation shall be made at the time the invoice is prepared by writing or stamping the name of the county in a conspicuous place on the invoice and duplicates, preferably following the name or address of the purchaser.

Historical Note

Former Rule, General Order 31. Former Section R17-4-11 renumbered without change as Section R17-4-309 (Supp. 87-2). Renumbered from R17-4-309 (Supp. 92-4).

R17-1-310. Motor vehicle fuel distributor report forms

To all distributors of Motor Vehicle Fuels: Under authority of Section 1673c RC 1928, as amended by Chapter 16, L.31, 1st S.S., and Chapter 70, L.35, R.S.,

1. Form 70-3308
2. Form 70-3309
3. Form 70-3310
4. Form 70-3314
5. Form 70-3311
6. Form 70-3312
7. Form 70-3313
8. Form MVF US-433

are hereby prescribed as the forms to be used by distributors in making reports to the vehicle superintendent required in the above mentioned section of the laws of this state. Instructions appearing on reverse side of Form 70-3308 shall be fully complied with beginning with reports for the month of July 1935. Distributors shall take an actual physical inventory at the close of business in June 1935 as provided in instructions.

Historical Note

Former Rule, General Order 25. Former Section R17-4-09 renumbered without change as Section R17-4-310 (Supp. 87-2). Renumbered from R17-4-310 (Supp. 92-4).

R17-1-311. Motor vehicle fuel - reports from non-distributors

Pursuant to provisions of Senate Bill 157, Chapter 70, Twelfth Legislature, Regular Session, Laws of Arizona, amending Sections 1673c "Reports of Distributors", 1674c "Reports from Persons not Distributors", and 1675 "Reports from Carriers", requiring immediate reports to the Vehicle Superintendent on forms prescribed by him, of shipments of motor vehicle fuel from a point without the State to a point within this State:

1. Forms MVF 70-3307 and MVF 438 (Import Report) are hereby prescribed by the Vehicle Superintendent for use in making required reports.
2. On and after July 1st, 1935, these forms shall be used in reporting each and every such shipment irrespective of quantity or method of transportation.
3. Prior to July 1st, 1935, each Distributor shall supply the above-mentioned forms through the Motor Vehicle Division to refiners and other consignors whom he authorizes to consign motor vehicle fuel into Arizona, and thereafter each Distributor shall, through the Motor Vehicle Division, maintain adequate supplies of the above mentioned forms in the hands of such refiners and other consignors. Each distributor shall require compliance on and after July 1st, 1935, by such refiners and other consignors with instructions set forth on page 1 of these forms, and each Distributor shall identify each imported acquisition on his tax return by the consecutive number of the "Import Report" and each sales invoice or stock transfer, connected with a direct import shipment, shall bear the consecutive number of the "Import Report".
4. On and after July 1st, 1935, each motor carrier transporting such motor vehicle fuel to any one point within this state shall comply with instructions on page 2 of form 70-3307, but if shipment is delivered at more than one point in this state he shall comply with instructions on page 3A, form 70-3307.
5. On and after July 1st, 1935, each person who receives such shipment shall comply with instructions on page 3 of form

MVF 70-3307, or if he received only part of such shipment he shall comply with instructions on form MVF 70-3307.

Historical Note

Former Rule, General Order 24. Former Section R17-4-08 renumbered without change as Section R17-4-311 (Supp. 87-2). Renumbered from R17-4-311 (Supp. 92-4).

R17-1-312. Motor vehicle fuel tax on miscellaneous petroleum products

A. Certain liquid petroleum products generally known as specialty products but specifically known by the trade names, viz:

Light solvent	TS16 solvent
Rubber solvent	Rubber solvent "A" TS13
Thinner 300	TS11 solvent
Thinner 200	Lacquer diluent "B" TS3
Thinner 410	Lacquer diluent "A" TS2
Stoddard Solvent	Solvent TS1
Paint Thinner 350	Insecticide Base Oil
Mineral spirits	Kleanize
Cleaners naphtha	Salvasal cleaner
Petroleum ether	Thinner No. 7
Eocene	(Paint Thinner) Mineral Spirits
TS28 solvent	Union benzine
Paint base spirits TS27	Cleaning solvent
P & V thinner TS27	Cleaning naphtha

have been taxed on acquisition in this state, unless imported in sealed containers not to exceed one gallon in capacity.

- B. Taxation of these products and refund of taxes on proof of non-use in motor vehicles has caused confusion and may possibly result in the refund of the tax on a considerable gallonage on which the tax has not been collected.
- C. The amount of tax collected is probably exceeded by the cost of collection and refund.
- D. After test in the State Highway Department Laboratory and after consideration of the wholesale and retail prices at which these products are sold it was decided that the use of same as motor vehicle fuels would not be feasible except by blending.
- E. The division will still require reports on acquisition by import of these products and will note any abnormal increase in acquisitions.
- F. The Attorney General holds that the tax may be legally waived on these products.
- G. Effective on and after July 1, 1939, until further notice:
1. The five-cent-per-gallon license tax on the above-listed products will be exempted.
 2. Such products shall be sold less five-cents-per-gallon license tax.
 3. Each distributor and reseller having a supply of these products on hand shall submit a sworn inventory of the same as of June 30, 1939, to the vehicle superintendent.
 4. A refund of the license taxes paid on such inventory will be made on proof of quantities and tax payment satisfactory to the vehicle superintendent.

5. Acquisitions by import of such products shall continue to be made on regular MVD form 70-3307, the same as provided for Motor Vehicle Fuel Imports.

Historical Note

Former Rule, General Order 39. Former Section R17-4-13 renumbered without change as Section R17-4-312 (Supp. 87-2). Renumbered from R17-4-312 (Supp. 92-4).

R17-1-313. Motor vehicle fuel tax application to specialty products

Specialty Products (the base of which is a motor vehicle fuel) compounded or blended IN ANOTHER STATE with some other product or substance other than motor vehicle fuel and not intended for use in a motor vehicle, shall not be considered as taxable under the provisions providing for a tax on motor vehicle fuels upon importation into this state, and sales of such Specialty Products shall be made without the collection of such tax.

1. Distributors importing such Specialty Products shall report such importations on Form 70-3307 "Motor Vehicle Fuel Import to Arizona".
2. Distributors shall immediately file with this Division a list of such Specialty Products compounded or blended by such distributors.
3. No refund will be made to any claimant for refund of motor vehicle fuel tax on invoices for such Specialty Products dated after the effective date of this Order.
4. Distributors will be held strictly accountable for the motor vehicle fuel tax on any sales made by such distributors for use of such Specialty Products in a motor vehicle.

Historical Note

Former Rule, General Order 27. Former Section R17-4-10 renumbered without change as Section R17-4-313 (Supp. 87-2). Renumbered from R17-4-313 (Supp. 92-4).

R17-1-314. Motor vehicle fuel - form numbering system

Order assigning new numbers to forms referred to in previously filed general orders

1. The Superintendent of Motor Vehicles has under the provisions of A.R.S., Title 41, Chapter 6, filed in the Office of the Secretary of State, General Orders Nos. 24, 25, 36, 39, 43, 54, and 61, wherein is prescribed the use of certain forms, which forms are referred to in the orders by a form number, and
2. The Department of Transportation for administrative purpose finds it desirable to adopt a new numbering system for all forms prescribed by the Superintendent.
3. That at such time as the present supply of forms is exhausted, a new form number as prescribed below will be used to identify the forms referred to in the above numbered orders.

New Form Number assigned to in orders above	Form as specified Form Number at immediate left
MVF 425	AHD 70-3307
MVF 438	AHD 70-3315
MVF 1-426	AHD 70-3308
MVF 2-427	AHD 70-3309
MVF 3-428	AHD 70-3310
MVF 5-430	AHD 70-3311
MVF 6-431	AHD 70-3312
MVF 7-432	AHD 70-3313
MVF US-433	AHD 70-3314
577	AHD 70-3304

Historical Note

Former Rule, General Order 69. Former Section R17-4-27 renumbered without change as Section R17-4-314 (Supp. 87-2). Renumbered from R17-4-314 (Supp. 92-4).

R17-1-315. Motor vehicle fuel - interstate shipments

Rules and procedures applicable when a distributor acquires motor vehicle fuel outside the state and transports same in his own equipment through the state to a destination outside the state.

1. A.R.S. § 28-1519 provides, "motor vehicle fuel moving in interstate or foreign commerce, not destined or diverted to a point within this . . . , shall not be subject to the payment of licenses taxes required by this Article".
2. Some distributors as private carriers transport in one continuous trip their own motor vehicle fuel in their own equipment from a point without the state, through the state to a point without the state, which motor vehicle fuel being transported is not subject to the license tax because of the provisions of A.R.S. § 28-1519.
3. A.R.S. § 28-1503 provides that every distributor shall file with the superintendent on forms prescribed and furnished by the superintendent a true and verified statement showing the total number of gallons of motor vehicle fuel acquired during the preceding calendar month and other and further data or information the superintendent requires.
4. The following rules and procedures will govern when a distributor acquires motor vehicle fuel outside the state and transports the same through the state for delivery to a point outside the state.
 - a. Motor Vehicle Division Form 70-3307 will be executed and handled in the same manner as is required in connection with motor vehicle fuel imported into the state. The point of destination to be shown on the form will be the place outside the state where the fuel is to be delivered.
 - b. When the vehicle transporting motor vehicle fuel leaves the state through a motor vehicle checking station located at not more than 400 yards from the state line, the carrier will surrender Page 3 of Form 70-3307 (Consignee Report) to the officer on duty at the checking Station. The officer will make proper notation on the form indicating that the shipment covered by the form was transported to a point outside the state and then forward same to the office of the Motor Vehicle Division.
 - c. When a motor vehicle transporting motor vehicle fuel leaves the state at a point other than that referred to in paragraph (b) above for a destination in another state, the distributor will attach to Page 3 of Form 70-3307 satisfactory proof that the motor vehicle fuel was transported out of the state.
 - d. When a motor vehicle transporting motor vehicle fuel leaves the state for a destination in Mexico at a point other than that referred to in paragraph (b) above, the distributor will attach to Page 3 of Form 70-3307 a Proof of Export Form certified by the Collector of Customs or, in lieu thereof, may have the Collector of Customs indicate on said Page 3 of Form 70-3307 that the motor vehicle fuel was exported into Mexico.
 - e. As a part of the regular monthly report, the distributor will submit on a separate sheet of Schedule 3 (Form MVF 3-428) the required information concerning all Forms 70-3307 covering shipments of a type dealt with in this order. It should be indicated on this particular Schedule 3 that the motor vehicle fuel is exempt from the Arizona license tax because

of the provisions of A.R.S. § 28-1519. The distributor shall not include the gallons on this particular Schedule 3 in the total gallonage shown on line 3 of Schedule 1 (Form 70-3308) of the monthly report.

Historical Note

Former Rule, General Order 61. Former Section R17-4-23 renumbered without change as Section R17-4-315 (Supp. 87-2). Renumbered from R17-4-315 (Supp. 92-4).

R17-1-316. Motor vehicle fuel - pipeline imports

- A. Imports of motor vehicle fuel via pipeline carriers: Authorization of report forms: and definition of "barrel",
 1. A.R.S. § 28-1503 reads as follows:
 - a. On or before the twenty-fifth day of each month, every distributor shall file with the superintendent, on forms prescribed and furnished by the superintendent, a true and verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured, produced, blended, compounded, imported or acquired during the preceding calendar month, the number of gallons of motor vehicle sold or otherwise disposed of by him for use in each of the several counties of this state and other and further data or information the superintendent requires.
 - b. Every distributor shall, in addition to making the report required in subsection (a) of this Section, upon receipt of any interstate shipment of motor vehicle fuel, forthwith report to the superintendent, on forms prescribed and furnished by the superintendent, the quantity and particular description of the fuel received, the name of the consignor, the date shipped, the date received, how shipped and other information in respect thereto the superintendent requires.
 2. To carry out the provisions of A.R.S. § 28-1503(B), it is ordered that a copy of the pipeline carrier's delivery ticket, as approved by the vehicle superintendent, is designated as the consignee report to be used by distributors receiving shipments of motor vehicle fuel via pipeline carrier.
- B. A.R.S. § 28-1515 reads, in part:
 - a. Every railroad company, street, suburban or interurban railroad company, pipeline company, common carrier and person transporting motor vehicle fuel by whatever manner to points in this state from any point without this state, shall report to the vehicle superintendent on forms prescribed by the superintendent, all deliveries of motor vehicle fuel so transported.
 - b. The report shall:
 - i. Cover monthly periods and shall be submitted monthly within twenty-five days after the close of the month covered by the report.
 - ii. Show the name and address of the person to whom the deliveries of motor vehicle fuel have in fact been made, or the name and address of the originally named consignee if the fuel has been delivered to other than the originally named consignee.
 - iii. Show the point of origin, the point of delivery and the date of delivery.
- C. To carry out the provisions of A.R.S. § 28-1515(A) and (B), it is ordered that a summary report of all shipments handled by

the pipeline carrier, containing the information required in said Section, is authorized as the carrier's report.

- D. It is further ordered that the term "barrel", as used in connection with the shipment of motor vehicle fuel via pipeline, shall mean a quantity equivalent to 42 U.S. gallons.
- E. It is further ordered that motor vehicle fuel shall be deemed "possessed" and/or "imported" under A.R.S. §§ 28-1501, 28-1503 and 28-1515 when delivered by the pipeline carrier into the terminal storage facilities of the distributor in Arizona.

Historical Note

Former Rule, General Order 57. Former Section R17-4-20 renumbered without change as Section R17-4-316 (Supp. 87-2). Renumbered from R17-4-316 (Supp. 92-4).

R17-1-317. Motor vehicle fuel - importation reports

- A. Section 1686, Revised Code of the State of Arizona, as amended, defines motor vehicle fuel as follows: "Motor vehicle fuel shall mean and include any inflammable liquid, by whatsoever name such liquid may be known or sold, which is used or usable in motor vehicles, either alone or when mixed, blended or compounded, for the propulsion thereof upon the public highways . . ."
- B. Certain liquid petroleum products having an A.P.I. gravity greater than 245 at 605 F., such as diesel oil, stove oil, etc., not now classed as motor vehicle fuel, are being used to propel motor vehicles over the highways of this state and for mixing, blending or compounding motor vehicle fuel.
- C. Each person who delivers such products into the fuel tanks of motor vehicles, or who uses such products in mixing, blending or compounding motor vehicle fuels, is required to pay to the state of Arizona the five-cent-per-gallon motor vehicle fuel tax on such fuel so used.
- D. It is necessary that the Vehicle Superintendent know the sources of supply in this state of such products when used as motor vehicle fuel in order to ascertain that the tax has been paid to the state.
- E. Each distributor and each person shall, upon receipt of any interstate shipment of liquid petroleum products having an A.P.I. gravity greater than 245 at 605 F., which might be classed as motor vehicle fuel, immediately report the receipt of such shipment to the Vehicle Superintendent in the manner prescribed in sections 1673c and 1674c, R.C.A., as amended by Chapter 70, Legislature of 1935, regular session, for immediately reporting receipt of interstate shipments of motor vehicle fuel.
- F. Each person transporting such products from a point without this state to a point within this state by means of any vehicle operated over the highways of this state shall immediately report such shipment to the Vehicle Superintendent in the manner prescribed in Section 1675, R.C.A., as amended by Chapter 70, Legislature of 1935, regular session, for immediately reporting such shipments of motor vehicle fuel.
- G. Every railroad company transporting such products from a point without this state to a point within this state shall report such shipment to the Vehicle Superintendent on or before the 25th of the next succeeding month, in the manner as shipments of motor vehicle fuel are reported.
- H. Forms 70-3307 "Motor Vehicle Fuel Shipments to Arizona" shall be used for the above mentioned reports in the same manner as prescribed for their use in reporting shipments of motor vehicle fuel.
- I. Penalties prescribed by the statutes for noncompliance with respect to reporting shipments of motor vehicle fuel shall likewise apply for noncompliance with respect to reporting shipments of liquid petroleum products as above mentioned.

Historical Note

Former Rule, General Order 36. Former Section R17-4-12 renumbered without change as Section R17-4-317 (Supp. 87-2). Renumbered from R17-4-317 (Supp. 92-4).

R17-1-318. Motor vehicle fuel - government employee

- A. Motor vehicle fuel sold to employees or agents of the United States, or of any department thereof, for the current use of such employees, is subject to the motor vehicle fuel tax.
- B. Such employee or agent may obtain refund of the motor vehicle fuel tax paid upon specific motor vehicle fuel on claim for refund thereof upon affidavit Form No. 70-3316, to which shall be attached satisfactory written proof that the cost of the specific motor vehicle fuel less motor vehicle fuel tax thereon has been refunded to such employee or agent by the United States or department thereof.
- C. Motor vehicle fuel delivered to the United States or department thereof, or an employee or agent of the United States or department thereof, upon a credit account chargeable to the United States or department thereof, the payment for which has been assumed by the United States or department thereof, is exempt from motor vehicle fuel tax, and in respect thereto the Motor Vehicle Division will accept in lieu of the motor vehicle fuel tax thereon, the sworn statement of the distributor through whom the transaction was handled, showing as to each such delivery as to which exemption is claimed.
 1. Date and place of delivery.
 2. Name of distributor or retailer and agent thereof, if any, making the delivery.
 3. Identification number of credit card, contract or requisition authorizing purchase.
 4. Name of person to whom delivery was made.
 5. Registry number of motor vehicle in respect to which delivery was made.
 6. Authority of the United States guaranteeing the account.
 7. The number of gallons of motor vehicle fuel delivered.

Historical Note

Former Rule, General Order 7. Former Section R17-4-04 renumbered without change as Section R17-4-318 (Supp. 87-2). Renumbered from R17-4-318 (Supp. 92-4).

R17-1-319. Motor vehicle fuel tax - military sales to personnel

- A. Section 10 of the amendment to the Federal Aid Highway Act, approved June 16, 1936, provides:
 - "1. That all taxes levied by any state, territory, or the District of Columbia upon sales of gasoline and other motor vehicle fuels may be levied, in the same manner and to the same extent, upon such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the state, territory, or the District of Columbia, within whose borders the reservation affected may be located.
 - "2. The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the state, territory, or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel not sold for the exclusive use of the United States during the preceding month."
- B. The Attorney General of Arizona has interpreted the term "exclusive use" to mean that the fuel must be used wholly by

the United States by duly constituted agents or officers engaged, while using such gasoline, wholly in the service of the government. In other words, if the fuel is used on a mission partly for the government and partly for some personal purpose of the user, it is not in the exclusive use of the government and is, therefore, taxable. The mere fact that the gasoline is sold or distributed by an agency located on the reservation does not exempt such gasoline from taxation. An officer of the government buying gasoline for his own personal use -- or partly for his own personal use -- pays the same tax as does the individual citizen.

- C. All persons who purchase gasoline for use in motor vehicles on the highways of this state from any federal government storage located in the state of Arizona which gasoline is not for the exclusive use of the United States Government shall pay to the Officer in Charge of such storage, the Arizona five-cent-per-gallon license tax on each gallon so purchased.
- D. Under provisions of Section 10 above, the Officer in Charge of such storage will on or before the 15th day of the month next succeeding the month in which such fuel was purchased, submit a written statement through proper channels to the Motor Vehicle Division, Arizona Department of Transportation, Phoenix, Arizona, showing the amount of such motor vehicle fuel so sold and such report shall be accompanied by a remittance of five cent per gallon to cover the Arizona license tax on such fuel.

Historical Note

Former Rule, General Order 44. Former Section R17-4-14 renumbered without change as Section R17-4-319 (Supp. 87-2). Renumbered from R17-4-319 (Supp. 92-4).

R17-1-320. Motor vehicle fuel - tax exempt to U.S. military forces

- A. Section 1. Section 66-318, Arizona Code of 1939, is amended to read: Section 66-318. LICENSE TAX EXEMPTIONS. Motor vehicle fuel in interstate or foreign commerce, not destined or diverted to a point within this state or motor vehicle fuel sold to the United States Armed Forces for use in ships or aircraft, or for use outside this state shall not be subject to the payment of license taxes required in this Article.
 - 1. The above law became effective 26 June 1952.
 - 2. Under the provisions of the above law, as amended, no exemption of motor vehicle fuel tax will be allowed on purchases by the United States except as stated in the law.
- B. Effective 26 June 1952, claims for exemption of tax by reason of sale to the Armed Forces of the United States for the purposes specified will be supported by certificates of the purchasing agency that the motor vehicle fuel is purchased by the United States Armed Forces for the purposes covered in the above law. U.S. Standard Forms 1094 (U.S. Government Tax Exemption Certificate) will not be acceptable.
 - 1. The certificate may be in the following form:

ARIZONA MOTOR VEHICLE FUEL GAS EXEMPTION ON SALES TO THE UNITED STATES ARMED FORCES

City or Station:

Date:

I certify that the motor vehicle fuel described below is purchased for the exclusive use of the United States (designation of Armed Force) for use (in ships, aircraft, outside Arizona). It is understood and agreed that if the motor vehicle fuel purchased under this exemption certificate at prices exclusive of the Arizona motor vehicle fuel tax is used otherwise than as designated above, or is resold to employees or others, the Arizona motor vehicle fuel tax on such gallonage diverted from designated use will be transmitted to the Arizona Division of Motor Vehicles under the provisions of Section 10 of the Act of 16 June 1936 (Publ No. 686, 74th Congress) as amended.

THIS CERTIFICATE COVERS

Brand
Acquired from (Name of vendor)
as evidenced by Arizona form
AHD 70-3307 (old Form 425)
Contract No.
Serial No. of aircraft

Gallons

Signature
Title and Rank of Officer

- 2. The above form may be reproduced locally or copies will be furnished by this Division upon request.
- C. Common or contract motor carriers transporting motor vehicle fuel for the Armed Forces of the United States into Arizona (purchased by the United States Armed Forces F.O.B. out-of-state) must carry copy of the U.S. Government bill of lading, as well as Arizona Form AHD 70-3307 (old Form 425) showing the following:
 - 1. Name of Armed Service to which delivery is being made.
 - 2. Number of U.S. Government bill of lading covering the shipment.

Historical Note

Former Rule, General Order 54 (Amended). Former Section R17-4-18 renumbered without change as Section R17-4-320 (Supp. 87-2). Renumbered from R17-4-320 (Supp. 92-4).

R17-1-321. Motor vehicle fuel - relief agencies

- A. Federal Emergency Relief Administration grants become state monies as soon as they are receipted for by the Governor.
- B. The following relief agencies and organizations are not exempt from the payment of the Arizona Motor Vehicle Fuel Tax:
 - 1. Public Relief Agencies created by the legislature of this state, such as state and County Boards of Public Welfare;
 - 2. Federal Emergency Relief Administration of Arizona;
 - 3. All other relief agencies or organizations depending upon allotments of funds from the Federal Emergency Relief Administration.
- C. All distributors are directed to observe the provisions of this order.

Historical Note

Former Rule, General Order 21. Former Section R17-4-07 renumbered without change as Section R17-4-321 (Supp. 87-2). Renumbered from R17-4-321 (Supp. 92-4).

R17-1-322. Motor vehicle tax refunds

- A.** Application for refund of motor vehicle fuel tax paid upon motor vehicle fuel used in the state of Arizona other than in motor vehicles upon highways of the state of Arizona will not be received nor refund made unless the applicant therefor file in the office of the Motor Vehicle Division at Phoenix, Arizona.
1. Duly verified list of equipment owned or operated by the applicant in which such motor vehicle fuel was used showing in case of rolling equipment, make, engine number and horse power, and in case of stationary equipment, number and horse power of engines and quantity and kind of lamps, stoves or other equipment used.
 2. Duly verified affidavit specifying equipment owned or operated by the applicant in which such motor vehicle fuel was used showing, in case of rolling equipment, make, engine number, horse power, hours operated, gallonage consumed of gasoline, distillate, aviation gasoline or other motor vehicle fuel as the case may be, and in case of stationary equipment, make, number, and horse power of engines, quantity and kind of lamps, stoves or other equipment used, number of hours operated, gallonage consumed of gasoline, distillate, aviation gasoline or other motor vehicle fuel consumed.
 - a. The original invoices covering the purchase of such motor vehicle fuel shall be attached to said affidavit.
 - b. Said affidavit shall state further that said original invoices cover the purchase of the gallonage listed and that none of the motor vehicle fuel in respect to which such affidavit is made, has been used to propel motor vehicles upon the highways, and shall show for what general purpose such motor vehicle fuel was used.
- B.** The list of equipment above provided to be filed shall remain of record, in the name of the person filing the same, who must report under oath additional equipment when and as acquired or operated.
- C.** No refund of tax paid on motor vehicle fuel shall be made other than on equipment listed with the Motor Vehicle Division, as provided in this order.
- D.** The lists of equipment and affidavits herein provided for shall be upon forms provided by the Motor Vehicle Division.

Historical Note

Former Rule, General Order 3. Former Section R17-4-02 renumbered without change as Section R17-4-322 (Supp. 87-2). Renumbered from R17-4-322 (Supp. 92-4).

R17-1-323. Exported motor vehicle fuel - tax refund

- A.** Application for refund of motor vehicle fuel tax upon motor vehicle fuel exported from the state of Arizona will not be received nor refund made unless the applicant therefore files in the office of the Motor Vehicle Division at Phoenix, Arizona, Exportation Affidavit Form No. 70-0761, duly verified, stating:
1. Gallonage claimed.
 2. That none of said gallonage was used in Arizona.
 3. The county from which exported.
 4. Place of export consignment.
- B.** There shall be attached to said Exportation Affidavit, Original Invoices covering purchase of the gallonage claimed, Motor Vehicle Fuel Exportation Certificate, Form No. 70-0763, and, in case of export to the Republic of Mexico, Export Declaration, United States Customs Service Form No. 7525.
- C.** The Motor Vehicle Fuel Exportation Certificate shall be signed by the applicant or his agent, and shall state:

1. Number of said original invoice. (There must be a Motor Vehicle Fuel Exportation Certificate for each original invoice).
 2. Place of sale in Arizona.
 3. Date of sale.
 4. Name of distributor or vendor.
 5. Name and address of foreign purchaser and place where the fuel is to be used.
 6. The gallonage.
 7. That the gallonage was exported from the state of Arizona and is exempt from Arizona Motor Vehicle Fuel Tax.
- D.** If the exportation is to another state of the United States, the Motor Vehicle Fuel Exportation Certificate shall also be signed by the foreign consignee and shall state the name of the town in the foreign state nearest the boundary line.
- E.** The Export Declaration shall be issued and signed by the Distributor or Vendor in triplicate, and, in addition to the requirements of the United States Customs Service, shall state:
1. Number of said original invoice. (Export Declarations must be so issued for each original invoice).
 2. The gallonage.
 3. Type and number of containers of fuel covered by the original invoice.
- F.** Said Exportation Affidavit and Motor Vehicle Fuel Exportation Certificates shall be upon forms supplied by the Motor Vehicle Division.
- G.** Exemption by distributors of motor vehicle fuel tax on fuel for foreign export is discontinued, and hereafter Motor Vehicle Fuel Exportation Certificate Form No. 131 will not be accepted from distributors in lieu of tax, and Distributors will be held for tax on all motor vehicle fuel, except upon sales to U.S. Government.

Historical Note

Former Rule, General Order 2A. Former Section R17-4-01 renumbered without change as Section R17-4-323 (Supp. 87-2). Renumbered from R17-4-323 (Supp. 92-4).

R17-1-324. Renumbered**Historical Note**

Renumbered from R17-4-324 (Supp. 92-4).

R17-1-325. Renumbered**Historical Note**

Renumbered from R17-4-325 (Supp. 92-4).

R17-1-326. Renumbered**Historical Note**

Renumbered from R17-4-326 (Supp. 92-4).

R17-1-327. Renumbered**Historical Note**

Renumbered from R17-4-327 (Supp. 92-4).

R17-1-328. Renumbered**Historical Note**

Renumbered from R17-4-328 (Supp. 92-4).

R17-1-329. Renumbered**Historical Note**

Renumbered from R17-4-329 (Supp. 92-4).

R17-1-330. General requirements; collection of use fuel tax by vendor; form of invoice; approval of invoice form; disposition of invoices

- A. Any sales of use fuel delivered into a vehicle fuel tank by a vendor on which no tax was collected will be presumed taxable to the vendor unless the vendor retains an invoice completed pursuant to the requirements of A.A.C. R17-1-330(B) showing that no tax was required to be collected on such sale.
- B. The invoice required by A.R.S. § 28-1568 shall contain the following preprinted information:
 1. Consecutive invoice numbers, which numbers shall be selected and used in such a way that a particular number will be used no more than once every four years by the licensed use fuel vendor.
 2. Use fuel tax license number of the vendor;
 3. Name and physical address of the vendor provided, however, that when a licensed use fuel vendor maintains multiple use fuel vending locations, separate invoices are required bearing
 - a. The name and account number reflected on the use fuel vendor's license and
 - b. The city or place of such branch use fuel vending location.
 4. An entry line identified as "Plus Arizona Use Fuel Tax"; or if the posted pump price includes the Arizona Use Fuel Tax, an entry line identified as "Less Arizona Use Fuel Tax" together with the statement: "Posted pump price includes Arizona Use Fuel Tax".
 5. The following information block:

<div style="display: flex; justify-content: space-between; align-items: center;"> ← 2" → </div>	
	ARIZONA USE FUEL TAX INFORMATION BLOCK
A	VEHICLE TYPE <input type="checkbox"/> USE CLASS <input type="checkbox"/> LIGHT CLASS
B	USE FUEL TAX YES <input type="checkbox"/> NO <input type="checkbox"/>
C	BULK SALE <input type="checkbox"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Type of Container

PLACE AN "X" IN CORRECT BOX(S)

The block shall be at least 2 inches wide and 2 1/2 inches high, and shall be in the form set forth above. Parts A and B must be completed on each vehicle fuel tank sale or delivery, and parts B and C must be completed on each sale or delivery into other than a vehicle fuel tank, except as provided for in A.A.C. R17-1-333(D).

6. The form of the invoice must be such that at least one simultaneous duplicate is prepared. The top sheet shall be marked "Original" and each succeeding sheet shall be marked "Copy".
- C. Prior to use of the invoice forms provided for in this rule, the vendor shall submit the form, and any modifications to exist-

ing approved forms, to the Motor Vehicle Division, Arizona Department of Transportation, for approval.

- D. Whenever a vendor of use fuel prepares an invoice as required by this rule, the original shall be given to the purchaser of the use fuel and the original will be the only document deemed as valid for tax credit to the user. At least one copy of the invoice shall be indexed by the vendor as to calendar month of sale and maintained for audit in ascending invoice number order.

Historical Note

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-67 renumbered without change as Section R17-4-330 (Supp. 87-2). Renumbered from R17-4-330 (Supp. 92-4).

R17-1-331. General requirements; invoice preparation; specific invoice information required

- A. Except as otherwise provided in subsection (B) of this rule, all vendors shall, upon each sale or transfer of use fuel in any manner, record on the invoice required by A.A.C. R17-1-330 the date of sale and the number of gallons sold and mark the applicable spaces in the information block.
- B. Sales of use fuel delivered into the fuel tank(s) of light class motor vehicles, as defined in A.R.S. § 28-1551(7), need not be recorded upon such an invoice unless specifically requested by the purchaser, subject to the provisions of R17-1-334(B).
- C. In addition to the requirements of subsection (A) of this rule,
 1. If the use fuel is delivered into the fuel tank of a use class motor vehicle, as defined in A.R.S. § 28-1551(13), and the use fuel tax is collected by the vendor, the vendor shall include on the invoice the name of the purchaser and Arizona use fuel tax account number as reflected on the purchaser's valid Arizona use fuel cab card as defined in A.R.S. § 28-1558. If, however, a use fuel tax account number is not presented when placing use fuel into a use class vehicle, then the license plate number and state of registration of the vehicle into which the fuel was delivered must be recorded by the vendor on the invoice, and, if available, the name of the purchaser or the name of any operating entity as may be displayed on the exterior of the vehicle.
 2. If the use fuel is delivered into the fuel tank of a use class motor vehicle, and the use fuel tax is not collected by the vendor, then the invoice must reflect the name and use fuel tax account number of the purchaser as reflected on the purchaser's use fuel cab card. If the name and account number of the purchaser as reflected on the use fuel cab card is not recorded on the invoice, then the vendor will be presumed liable for the use fuel tax relating to that sale; or, if in the event the use fuel was sold without the fuel tax being collected on the basis of a use fuel single trip permit pursuant to A.R.S. §§ 28-1555(B) and 28-1559(B), the pink copy of that use fuel single trip permit must be attached to the vendor's file copy of the invoice. In addition to the requirements of R17-1-330, the invoice must be cross-referenced to the single trip permit by indicating the permit number instead of, and in place of the use fuel tax license number, in that area of the invoice reserved for the purchaser's use fuel tax license number, or the vendor will be presumed liable for the use fuel tax relating to that sale.
 3. If the use fuel is sold and delivered into any receptacle other than a vehicle fuel tank, the use fuel tax is not to be collected by the vendor; however, the approved invoice must reflect the purchaser's name and use fuel tax account number if applicable, and the type of receptacle into which the fuel was sold or delivered must be reflected in

section "C" of the "Arizona Use Fuel Tax Information Block" on the invoice, or the vendor will be presumed liable for the use fuel tax relating to that sale.

Historical Note

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-68 renumbered without change as Section R17-4-331 (Supp. 87-2). Renumbered from R17-4-331 (Supp. 92-4).

R17-1-332. Vendor self-consumption of use fuel in use class and light class vehicles

- A. When a vendor delivers use fuel into a use class motor vehicle for which the vendor holds a valid use fuel cab card, an invoice must be completed as a tax collected sale.
- B. A vendor who owns or operates a light class motor vehicle must transfer title to any use fuel intended to be placed into such light class motor vehicle to the restricted vendor's entity, as defined in A.R.S. § 28-1551(10), prior to such placement, and recording the transfer on the invoice provided in A.A.C. R17-1-330 as a bulk withdrawal sold to the restricted vendor's entity.

Historical Note

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-69 renumbered without change as Section R17-4-332 (Supp. 87-2). Renumbered from R17-4-332 (Supp. 92-4).

R17-1-333. Unmanned self-serve use fuel vending entity; records; tax collection; invoicing

- A. Definitions:
 1. "Account" means the authorization and the means to access the pumping facilities of an Unmanned Self-Serve Use Fuel Vending Entity (USSUFVE) to acquire use fuel for which the USSUFVE issues a periodic statement containing at least the purchaser's name, mailing address, date of each use fuel acquisition and the number of gallons of use fuel acquired.
 2. "Tax-exempt use account" means an account created and maintained solely for the purpose of acquiring use fuel that will be consumed in a manner that is exempt from the tax imposed under the provision of A.R.S. Title 28, Chapter 9, Article 2.
 3. "Unmanned self-serve use fuel vending entity" means a licensed Arizona fuel vending entity, commonly referred to as cardlock or keylock operations, where only pre-approved purchasers of use fuel have been issued cards or keys to identify the exclusive withdrawal of that particular purchaser and where no representative of the licensed vendor is on the premises to observe the withdrawal of use fuel from the vendor's storage and where volumes dispensed are measured by pump meters or by some other accurate recording device.
- B. A vendor operating an unmanned self-serve use fuel vending entity must determine which self-serve purchasers are the holders of valid Arizona use fuel tax accounts, must record those tax license numbers for invoicing purposes and must maintain for audit purposes complete records on every purchaser having access to the vendor's use fuel storage.
- C. A vendor operating an unmanned self-serve use fuel vending entity shall collect the Arizona use fuel tax on all sales of use fuel through that vending entity, unless the purchaser has established a tax-exempt use account in accordance with the provisions of paragraph (E) of this rule.
- D. A vendor operating an unmanned, self-serve, use fuel vending entity must comply with R17-1-330, R17-1-331, R17-1-332, and R17-1-334 provided, however, that in lieu of the language

contained in section "A" of the "Arizona Use Fuel Information Block" referred to in R17-1-330(B)(5), either the word "cardlock", or the word "keylock", depending on the type of operation, will be preprinted therein.

- E. A person who qualifies to purchase use fuel without the payment of tax to the vendor in accordance with the provisions of A.R.S. § 28-1555(C) may establish a tax-exempt use account with an unmanned self-serve use fuel vending entity. Use fuel acquired through the tax-exempt use account shall not be delivered into the fuel tank of a motor vehicle. If a person having a tax-exempt use account wants to purchase use fuel from the same unmanned self-serve use fuel vending entity for purposes which are not tax exempt, the person shall establish a separate account with the unmanned self-serve use fuel vending entity. The tax-exempt use account shall require the use of different cards, keys, or other means to access the pumps than the taxable use account. To establish the tax-exempt use account, the purchaser shall provide the unmanned self-serve use fuel vending entity with an affidavit containing the following information:
 1. Legal name of purchaser.
 2. Mailing address of purchaser.
 3. Address of the place of business of the purchaser.
 4. Telephone number of the purchaser.
 5. A statement containing the following:
 - a. Each utilization of this account to acquire use fuel shall constitute certification that none of the use fuel acquired through the utilization of this account will be employed to propel a motor vehicle on the highways in this state.
- F. The unmanned, self-serve, use fuel vending entity shall maintain the original affidavit for a period of at least three years after the last transaction on the account.

Historical Note

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-71 renumbered without change as Section R17-4-333 (Supp. 87-2). Amended effective December 30, 1987 (Supp. 87-4). Renumbered from R17-4-333 (Supp. 92-4).

R17-1-334. Retention of voided invoices

If an invoice is voided because of an error in recording the required information, the vendor shall retain the original and all copies of the voided invoice for audit purposes for not less than three years following the date of the voided invoice, or until an audit has been made encompassing the voided invoice, whichever comes first.

Historical Note

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-70 renumbered without change as Section R17-4-334 (Supp. 87-2). Renumbered from R17-4-334 (Supp. 92-4).

R17-1-335. Licensing

- A. A carrier operating a motor vehicle that is a tractor, a road tractor, a truck tractor, a truck having more than two axles, or a passenger carrying vehicle designed to seat more than 20 occupants that is powered by use fuel and is registering in this State or accorded proportional registration or registration reciprocity with this state for the motor vehicles must, except as provided in subsection (C), obtain a use fuel tax license and cab card prior to operating on Arizona public highways.
- B. A carrier operating motor vehicles in excess of 26,000 pounds declared gross vehicle weight and registering in this state or accorded proportional registration or registration reciprocity with this state for the motor vehicles and who are also subject to the weight fee under A.R.S. § 28-206 must, except as pro-

vided in subsection (C), obtain a motor carrier tax license and cab card prior to operating on Arizona public highways.

- C. Any carrier or person who operates a motor vehicle and obtains a non-resident single trip permit under A.R.S. § 28-501.01, or a 30-, 60- or 90-day permit pursuant to A.R.S. § 28-501(B) may purchase a use fuel and/or motor carrier tax trip permit for each trip in this State instead of licensing with the Director.
- D. Application for each use fuel and/or motor carrier license shall be made to the Department in writing upon forms prescribed and furnished by the Department, incorporated herein by reference and on file in the Office of the Secretary of State. All information required on the application shall be completed and shall be submitted with a \$10.00 non-refundable filing fee for each use fuel and/or motor carrier license to the Arizona Department of Transportation, Motor Vehicle Division, P.O. Box 2100, Mail Drop 234M, Phoenix, Arizona 85001.
- E. The Department shall issue a cab card to qualified licensed carriers. The cab card shall be applied for on the forms prescribed by the Department and shall be valid, unless canceled or revoked, for three calendar years. The cab card application form is incorporated herein by reference and on file in the Office of the Secretary of State. Any cab card issued after January 1 shall expire on December 31 of the expiration year. The enforcement date shall be established by the Director.

Historical Note

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-401 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-401 renumbered without change as Section R17-4-335 (Supp. 87-2). Renumbered from R17-4-335 (Supp. 92-4).

R17-1-336. Return and payment of tax

- A. Reporting period definitions. The carrier reporting period shall be related to the amount of the Use Fuel and/or Motor Carrier Tax liability and the compliance record of the licensee. Any licensee whose average monthly tax liability for Use Fuel or Motor Carrier Tax, computed over a twelve-month period, exceeds the filing limits of the licensee's current filing status shall be required to change its reporting period based on the new average monthly tax liability. Such change in the reporting period shall coincide with the beginning of a new reporting period. The carrier shall have the same reporting period for each tax. The report shall be made to the Department upon the forms prescribed and furnished by the Department, incorporated herein by reference, and on file in the Office of the Secretary of State. The reporting periods are:
 - 1. Monthly -- for a calendar month.
 - 2. Quarterly -- for calendar quarters beginning January 1st, April 1st, July 1st and October 1st.
 - 3. Semi-annually -- for six (6) calendar months beginning January 1st, and July 1st.
 - 4. Annually -- for twelve (12) calendar months beginning January 1st.
- B. Reporting period limits. The reporting period's tax liability limits for each tax are:
 - 1. To file monthly, an account must have \$1,000 or more average monthly tax liability.
 - 2. To file quarterly, an account must have at least \$200 but less than \$1,000 average monthly tax liability.
 - 3. To file semi-annually, an account must have less than \$200 average monthly tax liability.

- 4. To file annually, an account must have less than \$10.00 average monthly tax liability.
- 5. The reporting period shall be based on the tax account with the highest average monthly tax liability.

Any licensee wishing to file on other than the reporting limits established by this subsection must first make an application in writing to the Director. If such licensee has complied with all applicable provisions of the Use Fuel and/or Motor Carrier Tax Act for the six months immediately preceding the application and shows good cause, then such licensee shall be allowed to file under the requested filing period.

- C. Failure to comply.
 - 1. If a licensee filing on other than a monthly basis fails to comply with the reporting requirements, the requirements for payment of tax, interest, penalty or other fees, or other requirements established under the Use Fuel and/or Motor Carrier Tax laws, without reasonable cause, such licensee may be required by the Director to file on a monthly basis. The Director shall notify the licensee of any such change in the filing requirements.
 - 2. Any licensee that has complied with all provisions of the Use Fuel and/or Motor Carrier Tax laws for a period of six (6) months after such licensee was required to file monthly, may make application to be allowed to file on other than a monthly basis.
- D. Failure to receive report form. If the licensee fails to receive an authorized report form, he must make a written report to the Department stating all information required on the prescribed form. The carrier shall file the report, together with a remittance payable to the Motor Vehicle Division for the amount of tax, penalty, interest or other fees due, on or before the due date of the return. The remittance and tax information will be accepted instead of a report on the prescribed form.

Historical Note

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-402 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-402 renumbered without change as Section R17-4-336 (Supp. 87-2). Renumbered from R17-4-336 (Supp. 92-4).

R17-1-337. Use fuel and motor carrier bonding process

- A. Bond amount calculation.
 - 1. The amount of bond required by the Department for each tax shall be calculated by determining the average monthly tax liability for the established reporting period and multiplying that average monthly tax liability by the following factor:
 - 3 times the average monthly tax liability for monthly reporting.
 - 5 times the average monthly tax liability for quarterly reporting.
 - 8 times the average monthly tax liability for semi-annual reporting.
 - 14 times the average monthly tax liability for annual reporting.
- The surety bond will be rounded to the nearest thousand dollars.
- EXAMPLE: An average monthly tax liability computed for twelve months is \$575. The average tax liability (\$575) is multiplied times 5 (for the quarterly factor) equaling \$2,875. The bond amount required would be \$3,000 (2,875 rounded to nearest thousand).

The minimum bond amount for each tax shall be \$500. If the bond amount as computed under subsection (A), paragraph (1) of this Section is less than \$500, the bond amount required shall be \$500.

2. A carrier must provide continuous bond coverage for the period upon which an account may be subject to audit. Should a bond lapse, cash in an amount equal to the lapsed bond must be deposited with the Director until a new surety bond is issued to cover the lapsed period or until the period without bond has been audited or is no longer subject to audit.

- B.** Exceptions. The bond amount may be increased or decreased as necessary based upon the carrier's preceding report period, the reporting compliance record, or the payment history of the account. The Department will establish the new bond amount and notify the account in writing.
- C.** Average monthly tax liability. For the purposes of this Section, the average monthly tax liability of a licensee shall equal the tax due for a reporting period divided by the number of months in the report period.

EXAMPLE: \$1,575 tax due in a quarter divided by 3 months equals \$525 average monthly tax liability.

Historical Note

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-403 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-403 renumbered without change as Section R17-4-337 (Supp. 87-2). Renumbered from R17-4-337 (Supp. 92-4).

R17-1-338. Renumbered

Historical Note

Renumbered from R17-4-338 (Supp. 92-4).

R17-1-339. Renumbered

Historical Note

Renumbered from R17-4-339 (Supp. 92-4).

R17-1-340. Renumbered

Historical Note

Renumbered from R17-4-340 (Supp. 92-4).

R17-1-341. Renumbered

Historical Note

Renumbered from R17-4-341 (Supp. 92-4).

R17-1-342. Renumbered

Historical Note

Renumbered from R17-4-342 (Supp. 92-4).

R17-1-343. Renumbered

Historical Note

Renumbered from R17-4-343 (Supp. 92-4).

R17-1-344. Renumbered

Historical Note

Renumbered from R17-4-344 (Supp. 92-4).

R17-1-345. Renumbered

Historical Note

Renumbered from R17-4-345 (Supp. 92-4).

R17-1-346. Procedure to estimate use fuel consumption

Definitions:

1. "Assistant Director" means the Assistant Director of the Department of Transportation for the Motor Vehicle Division.
2. "County highway mile" means one mile of highway maintained by a county for which the county does not receive full reimbursement for such maintenance from any other entity.
3. "Population" means the population as determined pursuant to the provisions of A.R.S. § 28-1598.

Historical Note

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-346 (Supp. 92-4).

R17-1-347. Procedure to estimate percentage of consumption of use fuel in each county

- A.** The Motor Vehicle Division shall calculate the estimated percentage of use fuel consumed in a particular county for a particular month as compared to the total amount of use fuel consumed in the entire state during the same month in accordance with the following formula:

$$X = \frac{.7A + .3B + C}{2}$$

1. "X" is the percentage for a particular county of the total amount of use fuel consumed in the entire state for a month.
 2. "A" is the number of county highway miles in the county divided by the total number of county highway miles in all counties within the state.
 3. "B" is the total unincorporated county population in the county divided by the total unincorporated county population in all counties within the state.
 4. "C" is the percent of use fuel consumed in the county that was used to distribute highway user revenue funds in June 1985.
- B.** If the formula described in subsection (A) results in a particular county having less than one percent of the use fuel consumed in the state, that county's share shall be raised to one percent and the resulting deficiency shall be prorated among the remaining counties in the same percentage as the amount of use fuel consumed.

Historical Note

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-347 (Supp. 92-4).

R17-1-348. Requirements to provide data pertaining to county highway miles

- A.** Each year prior to April 1, the county engineer for each county in the state shall certify under oath and deliver to the Motor Vehicle Division a report containing the number of county highway miles located in his county as of the preceding December 31. The report shall contain the designation of each highway included in the number of county highway miles, the location of its termini, and the length of the highway measured on its centerline to the nearest one tenth of a mile.
- B.** The Assistant Director shall give notice in writing to any county engineer who fails to deliver the report by March 31. The notice shall state that the report has not been received and demand that it be delivered to the Motor Vehicle Division within ten days of the mailing of the notice.
- C.** If a county engineer fails to deliver the report required by subsection (A) after being given the ten-day notice provided in subsection (B), the Assistant Director shall continue to perform the calculations required by A.R.S. § 28-1598 using the county road miles reported by the delinquent county for the

prior year. However, commencing with distributions made in the month following the expiration of the ten-day notice, the funds due the delinquent county pursuant to the provisions of A.R.S. § 28-1598 shall not be distributed to the delinquent county until the County Engineer has provided the report to the Motor Vehicle Division required by subsection (A).

- D.** The report required by subsection (A) shall be available for inspection by all of the counties. A county may challenge the report made by any other county by filing a challenge in writing with the Assistant Director not later than April 30 of each year. In the case of reports received after April 1 of each year, the challenge must be received by the Assistant Director not later than 30 days after receipt of the report by the Assistant Director. The challenge shall specify the highways and the number of disputed miles being contested.
- E.** If the Assistant Director receives a challenge to a report, the Assistant Director of the Department of Transportation for Transportation Planning Division shall hold a hearing within 60 days upon receipt to resolve the challenge. The burden of proof at the hearing shall be on the county bringing the chal-

lenge. The decision of the Assistant Director of the Department of Transportation for Transportation Planning Division concerning the outcome of the challenge shall be final.

Historical Note

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-348 (Supp. 92-4).

R17-1-349. Period of applicability

The estimated percentage of use fuel consumed in each county that is calculated annually pursuant to the provisions of this Article shall be used to calculate the distribution pursuant to A.R.S. § 28-1598 commencing with distributions made after June 30 of that year and shall continue to be used until the next succeeding June 30 or until a new estimated percentage of use fuel consumed in each county is calculated in accordance with the provisions of this Article, whichever is later.

Historical Note

Adopted effective October 8, 1987 (Supp. 87-4). Renumbered from R17-4-349 (Supp. 92-4).

TITLE 17. TRANSPORTATION**CHAPTER 2. DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION**

(Authority: A.R.S. §§ 28-1707 and 28-1722)

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R17-2-01 through R17-2-06, repealed effective May 2, 1990; new Article 1, consisting of Sections R17-2-101 adopted effective May 2, 1990.

Section

R17-2-101. Definitions

**ARTICLE 2. GRAND CANYON NATIONAL PARK
AIRPORT - OPERATION AND MANAGEMENT**

Article 2, consisting of Sections R17-2-201 through R17-2-204 adopted effective May 2, 1990.

Section

R17-2-201 Fees and Charges for Services and Use of Facilities and Equipment at the Airport
R17-2-202. Airport Use Permits
R17-2-203. Minimum requirements for Fixed Based Operators
R17-2-204. Airport Ground Leases
R17-2-205 Airport Parking Rules and Regulations
R17-2-206 Airport Impoundment Procedures

ARTICLE 1. GENERAL PROVISIONS**R17-2-101. Definitions**

In this Chapter, the following definitions shall apply:

1. "ADOT" means the Arizona Department of Transportation,
2. "After-hours" means hours beyond those determined by airport management as appropriate to meet the seasonal demand.
3. "Airport" means the geographical boundaries of the property owned by the Arizona Department of Transportation, Aeronautics Division, and known as the Grand Canyon National Park Airport.
4. "Airport business" means any business venture operating inside the boundaries of the Grand Canyon National Park Airport or relying on business generated as a result of the presence of the airport, its customers, or employees,
5. "Airport management" means those persons designated by the ADOT Aeronautics Division Assistant Director as responsible for the management of the airport and its operations.
6. "Apron" means an artificially surfaced area of ground designed and used for the parking and storage of aircraft at an airport.
7. "Commercial aviation" means the scheduled or non-scheduled transportation by air of persons or property for compensation or hire under FAA federal aviation regulations.
8. "Commercial ground transportation" means the scheduled or non-scheduled transportation, exclusive of by air, of persons or property for compensation or hire to and from the airport.
9. "Commercial fuel handling" means the sale, storage, transportation and/or distribution of fuels for compensation.
10. "Direct costs" means labor, materials and variable overhead expenses which are directly dependent on the operation.
11. "Direct phone" means telephone service directly to hotels, motels or other firms.
12. "Director of Aeronautics" means the ADOT Assistant Director of Aeronautics.
13. "Disabled aircraft" means any aircraft which requires assistance to move from any position on the runway, taxiway or apron areas of the airport.
14. "Disabled aircraft support equipment" means any equipment used to assist aircraft movement from any position on the runway, taxiway or apron areas of the airport.
15. "Division" means the Aeronautics Division of the Arizona Department of Transportation.
16. "FAA" means Federal Aviation Administration of the United States Department of Transportation.
17. "Fixed base operator (FBO)" means an airport business which is providing airport user services, including but not limited to commercial fuel handling, within the boundaries of the Airport.
18. "Fuel" means all flammable fluids composed of a mixture of selected hydrocarbons manufactured and blended for the purpose of aircraft, railroad or motor vehicle propulsion.
19. "Fuel supplier" means any airport business that dispenses fuel to retail customers or into vehicles owned and/or operated by that business,
20. "Lease" means a contract granting use or occupation of property during a specified period in exchange for a specified compensation.
21. "License Agreement" means a contract granting use or occupation of a portion of the terminal or other state-owned building in exchange for a specific compensation.
22. "Maximum landing weight" means the maximum weight at which an aircraft may normally be landed as determined by the manufacturer.
23. "NFPA" means National Fire Protection Association.
24. "Permittee" means any person, partnership, association, firm or corporation, owning or operating a business on the airport under a use permit.
25. "Public use terminal" means any structure designated for use by the general public and not specifically restricted or dedicated to any one airport business.
26. "Retail sales" means all sales activities on the airport not directly related to the transportation of persons or property. Sales include but are not limited to food, beverages, souvenirs, sundries, books, newspapers, and magazines.
27. "Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.
28. "State" means the State of Arizona or its agents.
29. "Self fuel dispensing/handling" means non-commercial fuel delivery to an aircraft, provided by the owner or operator
30. "Taxiway" means an artificially surfaced strip of ground designed and used at an airport for the ground movement of aircraft.
31. "Terminal space" means any area within a structure designated as a terminal and used by the public for transitioning between aircraft and ground transportation.

32. "Use permit" means a contract granting the privilege to conduct commercial operations at the airport in exchange for a specific compensation.
33. "Vehicle" means any equipment used for transporting persons or property other than aircraft.

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2). Amended effective March 17, 1995 (Supp. 95-1).

**ARTICLE 2. GRAND CANYON NATIONAL PARK
AIRPORT OPERATION AND MANAGEMENT**

R17-2-201. Fees and Charges for Services and Use of Facilities and Equipment at the Airport

A. Except as provided in subsection (B), the following fees and charges shall apply to all tenants and users of the airport and its facilities:

1. Landing fees - charged for all commercial flight operations, including but not limited to air carrier, air taxi, air tour, and air freight, landing at the airport.
 - a. Single-engine fixed wing, multi-engine fixed wing, FAA- and rotorcraft \$1.00 per 1,000 lbs., or part thereof, of certified maximum landing weight
2. Aircraft parking fees
 - a. Single-engine fixed wing and rotorcraft \$30.00 per month if parked in designated public tie-down areas
 - b. Multi-engine fixed wing \$40.00 per month if parked in designated public tie-down areas.
 - c. The daily rate shall be 1/10 the applicable monthly rate.
3. Terminal fees
 - a. Terminal counter space \$20.00 per sq. ft. per year
 - b. Terminal office space \$15.00 per sq. ft. per year
 - c. Advertising space \$2.00 per sq. ft. (sign size), per month, for terminal and counter areas. \$5.00 per sq. ft. (sign size), per month, for outdoor sign space
 - d. Direct phone space \$20.00 per unit monthly
 - e. Retail sales space \$20.00 per sq. ft per year
 - f. Public address system \$25.00 per month subscription
 - g. After-hours terminal use \$150.00 per hour, or part thereof in excess of 10 minutes, after scheduled terminal closure
4. Fuel flowage fees \$0.03 per gallon of fuel pumped
5. Equipment use fees
 - a. Auxiliary power unit \$10.00 per use
 - b. Aircraft tug \$20.00 per use
 - c. Portable heater \$10.00 per use
 - d. Passenger stairs \$10.00 per use
 - e. Non-aviation equipment Per established fees as part of the ADOT Equipment Rate Schedule
6. Miscellaneous fees
 - a. After-hours runway inspection for commercial use permittee \$50.00 per landing/take off; or, if on standby, for each 30-minute increment
 - b. Storage of crash debris \$5.00 per sq. ft. per month or increment of a month beyond 72 hours
 - c. Clean up of hazardous materials Direct costs
 - d. Repairs of damage to airport property Direct costs
 - e. Disabled aircraft assistance Direct costs
 - f. Disabled aircraft support equipment Direct costs
7. Ground transportation fees. All commercial ground transportation use permit holders shall be required to report and pay monthly fees of \$0.30 per passenger transported either to or from the airport.
8. Vehicle parking fees. The airport management may designate restricted parking areas within the airport boundaries and charge the following fees:
 - a. Ground transportation use permit parking \$5.00 per vehicle per day or any portion of any 24-hour period. \$50.00 per vehicle per month in designated areas
 - b. Rental car parking Auto storage, in a designated area, as set forth in the use permit terms. Overnight parking, commercial vehicles in excess of designated number as specified by License Agreement or Use Permit, and private vehicles, \$5.00 per vehicle per 24-hour period or \$50.00 per vehicle per month in designated area.
 - c. Private or commercial vehicles
9. Terminal retail sales of goods or services. Fees shall be a percentage of gross receipts after federal, state and local taxes, as defined in A.R.S. § 42-1301(7), of all retail sales, except as negotiated in each use permit. Use permits shall be based upon highest and best bids but shall contain provisions for not less than the percentage set forth in this schedule:
 - a. Air tours originating at the airport 7%
 - b. Food and beverage 15%

- c. Rental of personal property, including but not limited to car rentals 15%
- d. Retail sales of merchandise 15%
- e. Personal services businesses including but not limited to shoe shine, beauty and barber shops and others 15%
- f. Other As negotiated
- 10. Use of other facilities outside the terminal As negotiated

B. The fees and charges established in subsection (A) do not apply to:

- 1. The use of leased facilities pursuant to an airport ground lease.
- 2. The use of airport facilities, equipment, or services included in an airport ground lease in effect on July 1, 1993.

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2). Amended effective February 17, 1994 (Supp. 94-1).

R17-2-202. Airport use permits

- A.** A user operating commercially at the airport shall first obtain a use permit or shall be subject to a \$100.00 fine for each infraction. Use permits shall be required for the following activities:
 - 1. Commercial aviation
 - 2. Commercial ground transportation
 - 3. Commercial fuel handling
 - 4. Airport business
- B.** An aircraft owner or operator desiring to dispense fuel to his own aircraft must first obtain a self fueling/handling permit or shall be subject to a \$100.00 fine for each infraction.
- C.** Use permits shall contain, as a minimum, the following requirements:
 - 1. Minimum insurance in the amount as set forth by the Department of Administration Risk Management, naming the state as co-insured;
 - 2. Billing, payment and audit requirements and the penalties for non-compliance;
 - 3. The reporting of data in a timely manner upon request of the airport management or other agency. This data may include, but not be limited to:
 - a. Gross receipts,
 - b. Aircraft landings,
 - c. Aircraft tie downs,
 - d. Equipment utilized,
 - e. Enplanements,
 - f. Gallons and types of fuel pumped,
 - g. Passengers transported to and from the airport;
 - 4. A list of all employees having access to airport security areas and any changes in such a list. In addition, the FBO shall provide verification of compliance with required employee security checks in accordance with federal, state and local rules, regulations and policies governing the use of the airport.
 - 5. Evidence of compliance with all other jurisdictions' requirements for permits, licenses, insurance and certificates; and
 - 6. Detailed descriptions of any space within the public use terminal assigned to the commercial user and provisions describing allowable uses for the space as well as minimum expected maintenance of the facilities provided.

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2).

R17-2-203. Minimum requirements for fixed base operators (FBO)

- A.** Prior to entering into a contract and prior to commencing any operation on the airport as a fixed base operator, each FBO shall:
 - 1. Hold a commercial fuel handling use permit.
 - 2. Submit to the Assistant Director, a verified statement containing a detailed description of the scope of the intended operation. This statement shall:
 - a. Include the means and methods to be employed to accomplish the aviation operation, including how operating standards and requirements shall be met.
 - b. Include the nature of ownership and responsible parties. If the responsible party is:
 - i. An individual, include the person's name and address;
 - ii. A partnership, include the names and addresses of all the partners;
 - iii. A corporation, association or other organization, include the names of the president, vice president, secretary and managing officer or managing employee.
 - 3. Have had a minimum experience of three years during the past five years managing a fixed base operation on an airport.
 - a. This experience requirement applies either to:
 - i. The individual owner, if a sole proprietorship;
 - ii. One of the partners, if a partnership;
 - iii. The permanent full-time managing officer or employee, if a corporation.
 - b. If the full-time management responsibilities and duties of the organization are shared by more than one individual, then their collective management experience may apply provided that such experience shall have been in each particular service or operation proposed.
 - 4. Provide to the Assistant Director a complete certified financial statement by an independent accounting firm.
 - 5. Provide the Division evidence of current public liability insurance coverage in the minimum amount as set forth by the Department of Administration Risk Management, naming the state as co-insured. Hangarkeeper's liability insurance may be required if aircraft are on the premises for safekeeping, storage, service or repair.
 - 6. Submit a verified statement that there is a commitment from a fuel supplier to supply fuel. Such commitment shall specify the types and volumes of fuel available to the FBO.
- B.** Upon commencing operations, a fixed base operator shall:
 - 1. Be required to make available to the Division a financial statement annually, at the close of the state's fiscal year.
 - 2. Obtain and keep current during the term of its use permit all federal, state, and local licenses required and shall comply with all federal, state and local rules, regulations and policies governing the use of the Airport.
 - 3. Be available as required by airport management, either individually or in connection with the other FBO's situated at the airport, to provide service and to respond to emergencies during after-hours.
 - 4. Report all data pertaining to gallons and types of fuel pumped. The FBO shall report other types of information as required by additional use permits. Reports shall be provided in a timely manner to the airport management and other requesting agencies.
 - 5. Report all activity for which fees are established and pay all fees before the tenth calendar day of the month.

6. Retain all financial records at the airport. The FBO shall maintain those records for five years and comply with all auditing requirements set forth in the use permit.
7. Provide airport management with a list of all employees having access to airport security areas and notify airport management of any changes. In addition, the FBO shall provide verification of compliance with required employee security checks in accordance with federal, state and local rules, regulations and policies governing the use of the airport.
8. Comply with all FAA and NFPA inspection criteria. The FBO shall provide airport management with a copy of their written fueling operations procedures, safety and inspection manuals and records, as required by FAA and NFPA regulations. The FBO shall have an approved, written, spill-prevention contingency and control plan which meets all applicable standards.

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2).

R17-2-204. Airport ground leases

- A. The Division may enter into leases for airport property for the operation of businesses which foster the development of the airport.
- B. All leases for property, other than the existing or any future public use terminal facility, shall be based on a competitive bids process as specified in A.R.S. § 41-2534. At a minimum, leases shall be based on a price per square foot of property as valued through an appraisal of that property. In addition, leases shall contain provisions for not less than the percentage set forth in the following schedule:
 1. Food and beverage 5%
 2. Rental of personal property 10%
 3. Retail sales of merchandise 10%
 4. Other As negotiated

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2).

R17-2-205. Airport Parking

This section shall apply to all persons or entities who use the airport and its facilities:

- A. No parking zones. No one may park a vehicle in areas designated as no parking zones. No parking zones shall be designated by signage or red-painted curbs.
 - B. Driving or parking a vehicle in any area on property which has been closed by the use of barricades, chains, or other traffic control devices is prohibited. On special occasions, and in emergencies, parking limitations may be imposed by Airport Management as required by the particular circumstances.
 - C. Parking a vehicle on pedestrian paths, sidewalks, or safety zones is prohibited.
 - D. Parking a vehicle in such a location as to obstruct another parked vehicle is prohibited.
- E. No camping is allowed on the airport property except in designated areas.

Historical Note

Adopted effective March 17, 1995 (Supp. 95-1).

R17-2-206. Airport Impoundment Procedures

This rule shall apply to all persons or entities who use the airport and its facilities:

- A. The Airport Management may remove and impound any aircraft or other vehicles found on state property:
 1. Parked in an area designated and posted as restricted area;
 2. Parked in violation of these rules;
 3. Abandoned on airport property for more than 14 days without prior notification and permission of Airport Management;
 4. Whose owner has failed to pay parking fees for 15 days after the date of the first statement that a parking fee is due. The parking statement shall be attached to the aircraft or other vehicle;
 5. Parked in such a way as to constitute a hazard or impediment to the general public or to the movement and operation of aircraft or emergency equipment.
- B. At the time of removal for impound, a Notice of Impound shall be posted by airport officials as near to the location from which the aircraft or vehicle was removed as is practical, and a copy of the notice shall be mailed by airport officials to the address listed on the aircraft, or vehicle registration in the aircraft or vehicle, or in the airport records. If no address is known to the Airport Manager, the notice shall be published twice in a daily newspaper with a general circulation in Coconino County, within a period of ten working days from time of impound. The notice shall describe the aircraft or vehicle, the parking violation requiring impoundment, the location at which the aircraft or vehicle is being impounded, the name and address of the person to see about the impound, and the owner's right to file a request for a hearing under subsection (D) of this section.
- C. The owner of the aircraft or vehicle shall be responsible for costs involved in removing, impounding, and storage of such aircraft or vehicle, and any costs incurred by publication of the Notice of Impound. The Airport Manager shall have any vehicle towed by a tow company licensed by the Department of Public Safety, or any aircraft towed by a Fixed-Base Operator licensed by ADOT Aeronautics Division.
- D. Any person affected by a decision made within the Aeronautics Division pursuant to this Chapter may request a hearing before the Director of Aeronautics. The person shall request such a hearing in writing to the Division Director not more than 30 days after the action of the Aeronautics Division. Except for the modification of the time limits provided in this Section, the hearing shall be held in accordance with A.R.S. Title 41, Chapter 6, Article 6.

Historical Note

Adopted effective March 17, 1995 (Supp. 95-1).

TITLE 17. TRANSPORTATION**CHAPTER 3. DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

(Authority: A.R.S. § 28-108 et seq.)

ARTICLE 1. REPEALED

Section

R17-3-101. Reserved

R17-3-102. Repealed

**ARTICLE 2. MANAGEMENT OF CONTRACTOR
BIDDING/AWARD***Article 2, consisting of Sections R17-3-201 through R17-3-204, adopted effective March 3, 1987.*

Section

R17-3-201. General

R17-3-202. Contractor prequalification

R17-3-203. Reduced prequalification amounts or disqualifications

R17-3-204. Access to Department prequalification files

**ARTICLE 3. RIGHT-OF-WAY ACQUISITION AND
MANAGEMENT**

Section

R17-3-301. Relocation program to conform with state and federal statutes

R17-3-302. Claim for relocation payments

R17-3-303. Relocation assistance program

R17-3-304. Rental of lands held for state highway purposes

**ARTICLE 4. HIGHWAY LIMITATIONS (WEIGHT
RESTRICTIONS AND TRAFFIC CONTROLS)**

Section

R17-3-401. Weight restrictions on State Highway 67

R17-3-402. Weight restrictions on State Highway 377

R17-3-403. Weight restrictions on Mexican Hay Lake Road

R17-3-404. Weight restrictions on State Highway 260

R17-3-405. Reserved

R17-3-406. Traffic controls at bridge approaches

R17-3-407. Restrictions of use of controlled access roadways

R17-3-408. Regulating traffic through hazardous areas created by construction and maintenance activity

ARTICLE 5. RESERVED**ARTICLE 6. RESERVED****ARTICLE 7. HIGHWAY ENCROACHMENTS AND
PERMITS**

Section

R17-3-701. Outdoor advertising control

R17-3-701.01. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits

R17-3-702. Encroachments in highway rights-of-way

R17-3-703. Arizona junkyard control

ARTICLE 8. ESTABLISHMENT OF SPECIAL HIGHWAYS*Article 8 consisting of Sections R17-3-801 through R17-3-809 adopted effective May 30, 1984.*

Section

R17-3-801. General Provisions

R17-3-802. Meetings and Organization of the Advisory Committee

R17-3-803. Duties of Officers

R17-3-804. Request To Establish or Designate a Highway or Area

R17-3-805. Reconsideration of Requests to Establish or Designate a Highway or Area

R17-3-806. Review of Existing Designated Parkway, Historic or Scenic Road

R17-3-807. Approvals and Agreements Between Agencies for Designation

R17-3-808. Acquisition of Land for Parkways, Historic and Scenic Roads

R17-3-809. Construction and Maintenance with Protection and Enhancement of Special Features

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

Section

R17-3-901. Signing for colleges and universities

R17-3-902. Logo Sign Program

R17-3-903. Reserved

R17-3-904. Reserved

R17-3-905. Reserved

R17-3-906. Reserved

R17-3-907. Reserved

R17-3-908. Reserved

R17-3-909. Reserved

ARTICLE 1. REPEALED**R17-3-101. Reserved****R17-3-102. Repealed****Historical Note**

Former Rule, ASHC Resolution. Former Section R17-3-10 renumbered without change as Section R17-3-102 (Supp. 88-4). Repealed effective May 31, 1991 (Supp. 91-2).

**ARTICLE 2. MANAGEMENT OF CONTRACTOR
BIDDING/AWARD****R17-3-201. General****A. Contractor Prequalification Board.**

1. The State Engineer for the Arizona Department of Transportation, hereinafter the "Department", will appoint a Contractor Prequalification Board, hereinafter the "Board" to consider applications for contractor prequalification.
2. The Board will be comprised of three Department employees, one of whom shall be a registered professional engineer and one a certified or licensed public accountant.
3. The Board will be empowered to administer the function of contractor prequalification within the scope of these rules.

- B.** Out-of-state corporations. Prior to the award of any contract, corporations chartered under the laws of any state other than Arizona shall provide to the Department a copy of the letter from the Arizona Corporation Commission authorizing them to do business in Arizona.

- C. Licensing. License requirements to perform highway construction in Arizona are governed by the Arizona Registrar of Contractors.

Historical Note

Adopted effective March 3, 1987 (Supp. 87-1).

R17-3-202. Contractor prequalifications

A. Application.

1. An application for contractor prequalification, hereinafter "Application", shall include information concerning the applicant's key personnel, organizational structure, major projects completed, any company affiliations, equipment owned or controlled, type of work requested and financial condition (application booklets are available at the Contracts and Specifications office of the Department). A financial statement shall accompany the application showing the firm's current financial condition in accordance with the requirements of classification of financial statements found in subsection (D) of this rule.
2. If the application or accompanying financial statement is incomplete or the Board determines that additional information is required, the Board will make a written request for the additional information.
3. All applications shall be filed at least 15 calendar days prior to the bid opening date of any project on which the applicant is interested in submitting a bid.
4. Prequalifications will expire 15 months from the date of the financial statement that accompanies the application.

B. Joint ventures.

1. Each contractor in a proposed joint venture shall be prequalified in accordance with these rules and shall submit a notarized joint venture statement of intent at least five calendar days prior to the applicable bid opening date.
2. If one or more of the parties to the joint venture are corporations, a copy of a resolution from the Board of Directors authorizing the corporation to enter into the joint venture and execute all contract documents shall be submitted with the statement of intent.
3. Contractors operating as a joint venture on a continuing basis may file for prequalification as a joint venture entity.

C. Classification of contracting firms. Applicants will be categorized in accordance with the following classifications:

1. Inexperienced firms: Firms which have had no experience as prime contractors in highway construction work;
2. New firms: Recently organized firms that have officers with experience in positions of responsible charge of highway construction with other prime contracting firms;
3. Unknown firms: Firms which have experience as prime contractors but have not completed a highway construction contract as a prime contractor for the Department;
4. Known firms: Firms which have successfully completed at least one highway construction project as a prime contractor for the Department.

D. Classification of financial statements.

1. The prequalification applicant shall attach, as a part of the application package, a copy of the firm's annual financial statement including a balance sheet, an operating statement, appropriate supporting schedules and the accountant's report or opinion.
2. All financial statements shall be examined, reviewed, or compiled by either an independent certified public accountant or an independent public accountant, registered and licensed under the laws of any state. The examination, review, or compilation of financial statements

and their definitions shall be in accordance with the American Institute of Certified Public Accountants Professional Standards. In no case will a financial statement be considered acceptable if prepared by either a certified or public accountant who is directly or indirectly interested in or affiliated with the business of the contracting firm submitting the application.

3. Any contracting firm that desires a prequalification amount in excess of \$700,000 shall submit an examined financial statement with a certified opinion.
4. A contracting firm that submits a reviewed financial statement with a certified report will be limited to a prequalification amount of \$700,000.
5. A contracting firm that submits a compiled financial statement will be limited to a prequalification amount of \$300,000.

E. Prequalification limits.

1. Inexperienced firms. Inexperienced firms will be limited to a prequalification amount not to exceed \$300,000 until at least one highway construction project has been satisfactorily completed as a prime contract for the Department or any other public agency.
2. New firms. New firms will be limited to a prequalification amount of five times their net worth.
3. Unknown firms. Unknown firms will be limited to a prequalification amount of five times their net worth or the amount of the largest highway construction project they have successfully completed as a prime contractor for any other public agency, whichever is larger.
4. Known firms. Known firms will be limited to a prequalification amount of ten times their net worth. An unlimited prequalification amount may be granted if the product of ten times their net worth exceeds \$30,000,000.
5. All firms. Evidence of additional assets that are pledged in behalf of the contracting firm or letters from the firm's surety company may be considered in establishing higher prequalification amounts. The approximate total contract amount of all uncompleted work from all sources, plus the estimated cost of work on which the contractor seeks to bid, shall not exceed the prequalification amount set by the Board.

F. Reconsideration of prequalification determination.

1. If an applicant is dissatisfied with the Board's decision, the applicant may request in writing a reconsideration. The letter shall indicate the basis for the request and shall provide supportive data. The request and accompanying information will be reviewed and a decision given by the Board within 30 calendar days from the date of receipt of the request.
2. If the applicant is still dissatisfied with the decision of the Board, the applicant may appeal in writing to the state engineer who will review the information furnished and render a decision within 30 calendar days. The decision of the State Engineer shall be final.

G. Issuance of bidding documents. Bidding documents will be issued upon request to prequalified firms in accordance with the type of work and dollar amount for which they are prequalified by the Department. The final responsibility for requesting bidding documents and for submitting bids in accordance with the requirements of these rules, shall lie with the contracting firm.

Historical Note

Adopted effective March 3, 1987 (Supp. 87-1).

R17-3-203. Reduced prequalification amounts or disqualifications

- A.** Contracting firms which have been prequalified to bid on Department contracts may receive a reduced prequalification amount or be disqualified from bidding if they:
1. Falsify any document or misrepresent any material fact in the information furnished to the Department, or
 2. Fail to enter into a contract with the Department, or
 3. Default on a previous contract with any public agency, or
 4. Have an unsatisfactory work performance record with the Department on the basis of workmanship, competent superintendence, adequate and proper equipment or timely completion, or
 5. Fail to provide notification to the Board, within 30 calendar days of occurrence, any changes in ownership, corporate officers or general partners or any bankruptcy, receivership, court supervised reorganization or the entry of a judgment in a judicial or administrative proceeding adverse to the contractor.
- B.** Notification of reduced prequalification or disqualification will be made in writing by the Board. Such action shall become final unless a written appeal is filed with the Department by the contractor within 20 calendar days after receiving such notification. The Board will consider any such appeal within 30 calendar days of its receipt. The Board may request additional written evidence or a personal interview.
- C.** The contracting firm may appeal the Board's decision to the Arizona Department of Transportation Board, hereinafter "Transportation Board", who will act upon the appeal within 45 calendar days.

Historical Note

Adopted effective March 3, 1987 (Supp. 87-1).

R17-3-204. Access to Department prequalification files

Prequalification files will be considered as strictly confidential in nature. The files will be available only to:

1. Members of the Board,
2. The Director or any authorized agents of the Department,
3. Members of the Transportation Board,
4. The division administrator of the Federal Highway Administration or any authorized representatives,
5. Agents of surety upon the filing of an application for bond duly signed by an authorizing party of the prequalified firm,
6. Members of the Arizona State Board of Accountancy or their duly authorized representatives.

Historical Note

Adopted effective March 3, 1987 (Supp. 87-1).

ARTICLE 3. RIGHT-OF-WAY ACQUISITION AND MANAGEMENT**R17-3-301. Relocation program to conform with state and federal statutes**

- A.** The Arizona Highway Department's Relocation Program has been operating under regulations adopted by the Arizona State Highway Commission on April 2, 1969.
1. Clarification of regulations has been received on a continuing basis from the Bureau of Public Roads.
 2. It is the intent of the Arizona State Highway Commission to require the Relocation Program to fully conform with state and federal statutes and regulations thereto on a continually current basis.
- B.** The Arizona State Highway Commission hereby adopts the following regulations to insure conformance to the above.

1. Definitions. Specific terms relating to the Relocation Program are defined in the regulations of the Bureau of Public Roads in the A.R.S. § 18-141 and in procedures incorporated in the Right-of-Way Manual. These definitions are hereby adopted.
2. Relocation advisory service. The Arizona State Highway Department may give relocation assistance authorized by A.R.S. §18-142 to any individual, family, business or farm operation displaced because of the acquisition of real property for any project on the State Highway System or Federal Aid System. In giving such assistance, the Property Management Division of the Right-of-Way Section shall be governed by established procedures that are implemented into the Right-of-Way Manual.
3. Schedules:
 - a. Moving costs for unfurnished dwellings, re A.R.S. §18-143.B:

1 Room	\$ 25.00	5 Rooms	\$125.00
2 Rooms	50.00	6 Rooms	150.00
3 Rooms	75.00	7 Rooms	175.00
4 Rooms	100.00	8 Rooms or	200.00
max.		more	

 Plus \$100.00 dislocation allowance.
 - b. Moving costs for furnished dwellings, re A.R.S. §18-143.B and Bureau of Public Roads request:

1 Room	\$15.00	7 Rooms	\$105.00
2 Rooms	30.00	8 Rooms	120.00
3 Rooms	45.00	9 Rooms	135.00
4 Rooms	60.00	10 Rooms	150.00
5 Rooms	75.00	11 Rooms	165.00
6 Rooms	90.00	12 Rooms or	180.00
max.		more	

 Plus \$100.00 dislocation allowance.
 - c. Moving costs for mobile homes, re Bureau of Public Roads request, including cost to move, tear down, set up, re-level:

Size	Schedule Move	
Up to 8' wide x 40' in length		\$ 75.00
8' wide over 40' in length		100.00
10' width		125.00
12' width		150.00
14' width		200.00

 Plus \$100.00 dislocation allowance.
4. Decent, safe and sanitary standards. The establishment of decent, safe and sanitary standards will conform to those contained in Instructional Memo 80-1-68, dated September 5, 1968, covering the Administration of the Highway Relocation Assistance Program established by Chapter 5 of Title 23 U.S.C. Any exceptions to these standards are authorized only in conformance with procedures established by the Bureau of Public Roads regulations and upon written approval thereof from the Bureau of Public Roads.
5. Eligibility for payment. Eligibility for payments for moving costs, owner or tenant supplemental payment, and optional business payments, is established for those persons or firms otherwise eligible who were in occupancy on April 2, 1969, if the property was purchased before that date; persons or firms whose property is purchased on or subsequent to April 2, 1969, are eligible for payment in accordance with §§ 18-143, 18-144 and 18-146, Title 18, Chapter 1, A.R.S. Article 2.1.
6. Claim for relocation payments. Applications for moving expense payments and supplemental payments shall be made to the state upon forms prescribed by the state agency and shall be accomplished by such information and documents as may be required by the state agency. Except as otherwise provided, no applications for reloca-

tion payments will be accepted more than 18 months after the date on the notice to vacate. After an eligible person has vacated the property, no relocation payments will be made to any person with respect to the subsequent occupancy of the same property. Relocation payments shall not be made prior to the date the property is acquired and possession is taken. A state agency, city, county, district or other subdivision of government shall not be eligible to receive relocation payments. A displaced person or firm who rents or leases property from the Arizona State Highway Department shall not be eligible for relocation payments unless the eligibility is a result of continued occupancy from prior ownership or tenancy.

Historical Note

Former Rule, Right of Way Resolution 70-60. Former Section R17-3-12 renumbered without change as Section R17-3-301 (Supp. 88-4).

R17-3-302. Claim for relocation payments

It is the intent of the Arizona State Highway Commission to require its relocation program to fully conform with state and federal statutes and regulations thereto on a continually current basis.

1. Section VI of Commission Resolution 70-60, which was adopted by the Commission on July 17, 1970, is in conflict in part with federal interpretation of those regulations.
2. The strict application of this Section creates a definite hardship for certain relocatees.
3. The Arizona State Highway Commission adopts the following Section VI as a substitution and to replace original Section VI of Commission Resolution 70-60 (R16-3-12).
 - a. Claim for relocation payments. (6) "Applications for moving expense payments and supplemental payments shall be made to the Arizona Highway Department (Department) upon forms prescribed by it and shall be accompanied by such information and documents as may be required by the Department. No application for relocation payments will be accepted after 18 months from the date a displaced person actually vacates the property, except that the Department may in its discretion extend this time period to avoid unjust results. After an eligible person has vacated the property, no relocation payments, except moving expenses, will be made to any person who subsequently occupies the same property. Relocation payments shall not be made prior to the date property is acquired and possession is taken, provided, however such payments may be made prior to that time if the Department determines a denial thereof would work an undue hardship on a person to be displaced. A displaced person or firm who rents or leases property from the Arizona Highway Department shall not be eligible for relocation payments unless the eligibility is a result of continued occupancy from prior ownership or tenancy."

Historical Note

Former Rule, Right of Way Resolution 71-42. Former Section R17-3-13 renumbered without change as Section R17-3-302 (Supp. 88-4).

R17-3-303. Relocation assistance program

- A. The Relocation Assistance Program of the Arizona Highway Department has been operating under regulations adopted by the Arizona State Highway Commission on July 28, 1970, as amended on May 7, 1971.

1. Public Law 91-646, "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970", was enacted on January 2, 1971, by the 91st Congress of the United States.
 2. Title 18, Chapter 1, Article 2.1, Arizona Revised Statutes was amended by the Thirtieth Legislature of the state of Arizona and signed into law by the Governor on April 16, 1971, which enables the state to provide relocation assistance in accordance with the aforementioned Public Law 91-646.
 3. Instructional Memorandum 80-1-71 was promulgated by the Federal Highway Administration and sets forth the rules and regulations which must be adhered to by the state as a prerequisite to federal reimbursement.
 4. It is the intent of the Arizona State Highway Commission to require the Relocation Assistance Program to fully conform with state and federal statutes and regulations on a continually current basis.
- B. The Arizona State Highway Commission hereby adopts the following regulations to insure conformance to the above.
1. Adoption of federal regulations. Those regulations, definitions, policies and procedures promulgated by the United States Department of Transportation, Federal Highway Administration in a document known as Instructional Memorandum 80-1-71, Right-of-Way 20, is hereby adopted by this reference as the regulations of the Arizona Highway Department for the implementation of Title 18, Chapter 1, Article 2.1, Arizona Revised Statutes as amended.
 2. Substitution of words:
 - a. Wherever in Instructional Memorandum 80-1-71, Right-of-Way 20, the term state, state agency, or State Highway Department is used, it shall be deemed to mean the Arizona State Highway Department.
 - b. Wherever in Instructional Memorandum 80-1-71, Right-of-Way 20, the term federal or Federal Aid Highway is used, those words shall be deemed to include state highways, state routes and state highway construction.
- C. Moving cost schedules:
1. Occupants of unfurnished dwelling units per A.R.S. §18-143.B:

1 Room	\$ 50.00	5 Rooms	\$200.00
2 Rooms	80.00	6 Rooms	240.00
3 Rooms	120.00	7 Rooms	280.00
4 Rooms	160.00	8 Rooms or more	300.00

 Plus \$200.00 dislocation allowance.
 2. Occupants of furnished dwelling units per A.R.S. §18-143.B:

1 Room	\$15.00
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 Each additional room - \$10.00 up to maximum of \$300.00
 Plus \$200.00 dislocation allowance.
 3. Occupants who move mobile homes per A.R.S. §18-143.B:

300 sq. ft. -	\$130.00	501-600 sq.ft.-	\$240.00
300 - 400 sq.ft -	180.00	601-700 sq.ft. -	270.00
400 - 500 sq.ft -	210.00	over 700 sq.ft. -	300.00

 Plus \$200.00 dislocation allowance.
 4. Occupants of mobile homes moving only personal property per A.R.S. § 18-143(B).
- D. Appeal procedure.
1. Any person aggrieved by a determination of the Arizona Highway Department as to eligibility or amount of financial assistance offered may appeal in writing to the Director of the Department for review in accordance with procedures set forth in the Right-of-Way Manual.

E. Relocation assistance advisory service.

1. Where the State Highway Director determines that any person occupying property immediately adjacent to the right of way is caused substantial economic injury because of the acquisition of right of way, he may offer such person advisory services which shall not include any payments.

F. Last resort housing.

1. In the event the state wishes to acquire a person's home in an area where comparable sale or rental housing is not available and action as is necessary or appropriate to provide such housing.

Historical Note

Former Rule, Right of Way Resolution 71-69. Former Section R17-3-14 renumbered without change as Section R17-3-303 (Supp. 88-4).

R17-3-304. Rental of lands held for state highway purposes

Arizona Revised Statutes 18-155.D authorizes the Arizona State Highway Commission to lease or let at fair rental value any lands which are held for state highway purposes.

1. The number of parcels currently being leased makes it impracticable for the Arizona State Highway Commission to personally execute the rental of these properties and to determine if and when the terms of the rental agreements have been violated.
2. The Arizona State Highway Commission shows faith and trust in the judgment of the State Highway Director and subordinate officers and employees of the Right-of-Way Section of the Arizona Highway Department.
3. The Arizona State Highway Commission does, until further action, authorize and delegate to the Director and such employees of the Arizona Highway Department as he may designate the authority to enter into rental or lease agreements at fair rental value for any lands which are held for state highway purposes and are not presently needed therefor.
4. The Commission authorizes the Director or his designee to proceed by any legal means to enforce the provisions of the rental or lease agreements and to evict by lawful means any tenant in violation of his rental or lease agreement.
5. The director or his designee is authorized to renovate, repair, maintain and oversee such properties as are subject to lease and rental agreements to best secure to the people of the state of Arizona a fair rental return from such properties.

Historical Note

Former Rule, Right of Way Resolution 70-51. Former Section R17-3-11 renumbered without change as Section R17-3-304 (Supp. 88-4).

ARTICLE 4. HIGHWAY LIMITATIONS (WEIGHT RESTRICTIONS AND TRAFFIC CONTROLS)**R17-3-401. Weight restrictions on State Highway 67**

- A. A maximum gross weight restriction of 20,000 pounds (10 tons) is imposed on that portion of State Highway 67 between Jacobs Lake to the Park Boundary, being more particularly described as follows:
 1. Beginning on State Route 67 from Milepost 579.36 at Jacobs Lake to the Park Boundary at Milepost 610.26 for the period November 15 until May 15 of each year.
- B. A maximum gross weight restriction of 14,000 pounds per axle is imposed on that portion of State Highway 67 between

Jacobs Lake to the Park Boundary, being more particularly described as follows:

1. Beginning on State Route 67 from Milepost 579.36 at Jacobs Lake to the Park Boundary at Milepost 610.26 for the period May 15 to June 15 of each year.

Historical Note

Former Rule, Traffic Engineering Resolution; Repealed effective June 18, 1979 (Supp. 79-3). New Section R17-3-05 adopted effective August 4, 1982 (Supp. 82-4). Former Section R17-3-05 renumbered without change as Section R17-3-401 (Supp. 88-4).

R17-3-402. Weight restrictions on State Highway 377

A maximum gross weight restriction of 40,000 pounds (20 tons) in total is imposed on that portion of State Highway 377 between Holbrook and Heber, described as follows:

1. Beginning on State Highway 377 from Milepost 0.00 at its intersection with State Highway 277 to Milepost 33.83 at its intersection with State Highway 77.

Historical Note

Former Rule, ASHC Resolution. Repealed effective January 3, 1977 (Supp. 77-1). New Section R17-3-08 adopted effective March 25, 1982 (Supp. 82-2). Former Section R17-3-08 renumbered without change as Section R17-3-402 (Supp. 88-4).

R17-3-403. Weight restrictions on Mexican Hay Lake Road

- A. A.R.S. §28-1012(D) authorizes the Arizona State Highway Commission to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the Commission.
 1. By virtue of said statutory provision, the State Highway Director recommends that such restriction be imposed on the following State Route to assure against undue damage to the road foundation, surface and structures.
- B. In the interest of public necessity, safety, and convenience, the State Highway Director recommends that a maximum gross weight restriction be imposed on Mexican Hay Lake Road, a portion of State Route 273, being more particularly described as follows:
 1. Beginning at a point in the South half of Section 17, Township 6 North, Range 28 East, at Highway Engineer's Station 000.00; thence in a Northerly direction to a point in the North half of Section 12, Township 8 North, Range 28 East, at Highway Engineer's Station 129.40, at its intersection of State Route 73.
 2. A vehicle maximum gross weight restriction of 35,000 pounds be established on Mexican Hay Lake Road.
 3. The State Highway Department is authorized and directed to post appropriate signs of said restrictions.

Historical Note

Former Rule, Right of Way Resolution 71-15. Former Section R17-3-09 renumbered without change as Section R17-3-403 (Supp. 88-4).

R17-3-404. Weight restrictions on State Highway 260

- A. The Director of the state Department of Transportation pursuant to A.R.S. § 28-1012(D) is authorized to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the state Department of Transportation.
 1. By virtue of said statutory provision, the Director of the state Department of Transportation recommends that such restriction be imposed on the following state route to assure against damage to the roadway which could lead to total disintegration of the roadway.

B. In the interest of public necessity, safety, and convenience, the Director of the state Department of Transportation recommends that a maximum gross weight restriction be imposed on State Highway 260, on a portion between Christopher Creek and Young Road, being more particularly described as follows:

1. Beginning on State Route 260 from Milepost 274.0 to Milepost 284.3 a vehicle maximum gross weight restriction of 20,000 pounds (10 tons) be established, effective March 31, 1983, with a greater limit being established as further engineering studies warrant, until the legal limit is again established.
2. These weight limit restrictions will become effective with the posting of appropriate signs on said section of highway.
3. The Arizona Department of Transportation, Highways Division, is authorized and directed to post appropriate signs of said restriction.

Historical Note

Adopted as an emergency effective April 13, 1983 pursuant to A.R.S. §41-1003, valid for only 90 days (Supp. 83-2). Former Section R17-3-20 renumbered without change as Section R17-3-404 (Supp. 88-4).

R17-3-405. Reserved

R17-3-406. Traffic controls at bridge approaches

Application of traffic control devices at narrow bridges having a roadway clearance less than the width of the approach pavement.

1. One lane bridge -- a bridge with a roadway width less than 18 feet.
2. Narrow bridge -- a bridge with a roadway width between 18 feet and 24 feet (not including 24 feet) and the bridge width is less than the sum of the lane widths on the approach. (Narrow bridge conditions are not considered to exist wherever a bridge is as wide as the sum of the widths of the approach traffic lanes.)
3. A bridge 24 feet or wider, but where the bridge is narrower than the approach roadway pavement width.

Historical Note

Former Rule, Traffic Engineering Report. Former Section R17-3-02 renumbered without change as Section R17-3-406 (Supp. 88-4).

R17-3-407. Restrictions of use of controlled access roadways

Pedestrians and operators of or drivers of bicycles, motor-driven cycles, nonmotorized vehicles, and equestrian riders may not travel or ride upon those controlled access roadways, designated as Interstate Routes I-8, I-10, I-15, I-17, I-19, I-40 and S.R. 360, which are under the jurisdiction of the Arizona Department of Transportation and where official signs have been erected to inform such persons thereof.

Historical Note

Former Rule, ASHC Resolution; Former Section R17-3-06 repealed, new Section R17-3-06 adopted effective April 25, 1978 (Supp. 78-2). Former Section R17-3-06 renumbered without change as Section R17-3-407 (Supp. 88-4).

R17-3-408. Regulating traffic through hazardous areas created by construction and maintenance activity

A. Title 18, Chapter 1, Arizona Revised Statutes, provides that the Arizona State Highway Commission shall exercise complete and exclusive control and jurisdiction of state highways, and prescribe such rules and regulations to govern the use of state highways as it deems necessary for public safety and convenience.

B. Title 28, Chapter 6, Arizona Revised Statutes, provides that the Arizona State Highway Commission may determine and declare reasonable and safe maximum speed limits when appropriate signs giving notice thereof are erected.

C. The Arizona State Highway Commission, in the interest of public safety and convenience, has determined that existing legal speed limits shall remain in effect on construction and maintenance projects, except for those locations within and/or adjacent to project limits where construction and maintenance activity creates a public hazard.

D. The Arizona State Highway Commission has determined that posted or statutory speed limits may be too great for the safety and protection of men and equipment working on or near the roadway on construction or maintenance projects and for traffic through these construction or maintenance projects.

E. When construction or maintenance activities have progressed to a point where roadway conditions warrant a reduction of speed through all or part of the construction or maintenance project as determined by the District Engineer or his duly authorized representative, the necessary speed reduction shall be established by the use of legal speed limit signs placed, or caused to be placed, by the Arizona State Highway Department prior to creation of the hazard. Upon elimination of the hazard, these signs shall be removed, or caused to be removed, by the Arizona State Highway Department.

F. When the necessary signs have been placed and maintained in accordance with these rules and Part VI and others of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Arizona Highway Department Traffic Control Manual for Highway Construction and Maintenance, no vehicle shall proceed at a speed greater than the numerical limits posted on the signs.

Historical Note

Former Rule, General Order 21. Former Section R17-3-08 renumbered without change as Section R17-3-408 (Supp. 88-4).

ARTICLE 5. RESERVED

ARTICLE 6. RESERVED

ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS

R17-3-701. Outdoor advertising control

A. Purpose. The purpose of this subsection is to present the definitions of specialized terms used in describing outdoor advertising signs and matters relating thereto and to present a portion of the Arizona Revised Statutes dealing specifically with the regulation of certain advertising displays.

1. Definition of terms. Terms used in this rule are defined as follows:
 - a. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.
 - b. "Re-erection" means the placing of any sign in a vertical position subsequent to its initial erection. Re-erection shall only occur in the event the sign has been damaged by tortious acts, acts of God such as wind, rain, flooding, or in the course of normal maintenance.
 - c. "Lease" means an agreement, oral or in writing by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.
 - d. "Illegal sign" means one which was erected and/or maintained in violation of the state law.

- e. "On-premise sign" means any sign that meets the following requirements (such signs are not controlled by state statutes):
 - i. Premises. The sign must be located on the same premises as the activity or property advertised.
 - ii. Purpose. The sign must have as its purpose:
 - (1)The identification of the activity, or its products or services, or
 - (2)The sale or lease of the property on which the sign is located, rather than the purpose of general advertising.
 - iii. In the case of an on premise sign advertising an activity, the premises will include all actual land used or occupied for such activity, including its buildings, parking, storage and service areas, streets, driveways and established front, rear, and side yards constituting an integral part of such activity, provided the sign is located on property under the same ownership or lease as the activity. Uses of land which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes will not be considered as premises. Generally these will be inexpensive facilities, such as picnic, playgrounds, walking paths, or fences.
 - f. "Off-premise sign" means an outdoor advertising sign which advertises an activity, service or product and which is located on premises other than the premises at which such activity or service occurs or product is sold or manufactured.
 - g. "Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state laws passed at a later date or which later fails to comply with state law or state regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.
 - h. "Maintain" means to allow to exist, including such activities necessary to keep the sign in good repair, safe condition, and change of copy.
 - i. "Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
 - j. "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
 - k. "Federal or state law" means a federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.
 - l. "Scenic overlook or rest area" - an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.
 - m. "Abandoned sign" means a sign for which neither the sign owner nor the landowner claim any responsibility.
 - n. "Double-faced sign" means a sign which has two faces facing in the same direction.
 - o. "Back-to-back sign" means a sign which carries faces attached on each side of the structure, being read from opposite directions.
 - p. "V-type signs" - signs which are oriented at an angle to each other, the nearest points of which are not more than ten feet apart.
 - q. "Face" means the surface of an outdoor advertising structure on which the design is posted or painted, usually made of galvanized metal sheets, fiberboard, plywood or plastic.
 - r. "Landmark sign" means a sign of historic or artistic significance which existed on October 22, 1965 which may be preserved or maintained as determined by the Director and approved by the Secretary of Transportation.
 - s. "Normal maintenance (nonconforming sign)", is that customary to keep a sign in ordinary repair, upkeep or refurbishing. Such maintenance will not exceed 50% of the appraised value of the sign. Repairs will be allowed for fires, winds, explosions, or other acts of God. Current appraisal schedules will be used in making value determinations. Normal maintenance also includes re-erection at the same location or within a reasonable distance of the original location, not to exceed ten feet.
 - t. "Intended to be read from the main traveled way" is defined by any of the following criteria:
 - i. More than 80% of the average daily traffic (as determined by ADOT traffic counts) viewing the outdoor advertising is traveling in either or both directions along the main-traveled way.
 - ii. Message content is of such a nature that it would be only of interest for the traffic using the main-traveled way.
 - iii. The sales value of the outdoor advertising is directly attributable to advertising circulation generated by traffic along the main-traveled way.
 - u. "Within the view of and directed at the main-traveled way" means any sign which is readable from the main-traveled way for more than five seconds traveling at the posted speed limit or for such a time as the whole message can be read whichever is less.
 - v. "Interchange" means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.
2. State statute regarding outdoor advertising. The following portion from Title 28 of the Arizona Revised Statutes is the authority for and is relevant to the content and intent of this rule. This portion of the A.R.S. is from Title 28, amended effective August 22, 1975. Exhibits 1 through 8 portray the essence of requirements promulgated by these statutes.

"CHAPTER 16 BEAUTIFICATION OF HIGHWAYS

ARTICLE 1. REGULATION OF CERTAIN ADVERTISING DISPLAYS

"28-2101. Definitions

In this Article, unless the context otherwise requires:

1. "Business area" means an area outside municipal limits embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet

- measured in any direction from the nearest edge of the actual land used or occupied for such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity and which is zoned, under authority of law, primarily to permit industrial or commercial activity. However, when one or more commercial or industrial activities are located within one thousand feet of a freeway interchange, the business area shall extend three thousand feet measured in each direction parallel to the freeway from the center line of the crossroad, but shall not extend beyond the limits of the established commercial or industrial zone.
2. "Freeway" means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.
 3. "Information center" means a site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the state and providing other information the transportation board considers desirable.
 4. "Interstate system" means that portion of the national system of interstate and defense highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
 5. "Main-traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads or parking areas.
 6. "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, the message of which is visible from any place on the main-traveled way of the interstate, secondary or primary systems.
 7. "Primary system" means that portion of connected main highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
 8. "Safety rest area" means a site established and maintained by or under public supervision or control for the convenience of the traveling public within or adjacent to the right-of-way of the interstate or primary systems.
 9. "Secondary system" means that portion of connected highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
 10. "Unzoned commercial or industrial area" means an area not zoned under authority of law in which land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied by such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity. As used in this paragraph, "commercial or industrial activities" does not include:
 - (a) Outdoor advertising structures.
 - (b) Agricultural, forestry, grazing, farming and related activities.
 - (c) Transient or temporary activities including but not limited to wayside fresh produce stands.
 - (d) Activities not visible from the main-traveled way.
 - (e) Activities conducted in a building principally used as a residence.
 - (f) Railroad tracks and minor sidings, and above ground or underground utility lines.
- "28-2102. Outdoor advertising authorized**
- A. The following outdoor advertising may be placed or maintained along interstate, secondary and primary systems within six hundred sixty feet of the edge of the right-of-way:
1. Directional or other official signs or notices that are required or authorized by law, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions.
 2. Signs, displays and devices advertising activities conducted on the property upon which they are located.
 3. Signs, displays and devices advertising the sale or lease of property upon which they are located.
 4. Signs, displays and devices lawfully placed after April 1, 1970, in business areas.
 5. Signs, displays and devices lawfully placed after the effective date of this article in zoned or unzoned commercial or industrial areas inside municipal limits, or after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
 6. Signs, displays and devices lawfully existing on April 1, 1970, which are located in business areas, and in zoned commercial or industrial areas outside of municipal limits.
 7. Signs, displays and devices lawfully existing on the effective date of this article which are located in zoned or unzoned commercial or industrial areas inside municipal limits, or on

April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.

- B. Outdoor advertising authorized under subsection A, paragraphs 1, 4 and 5 of this section shall conform with standards contained, and shall bear permits required, in regulations promulgated by the director under the provisions of this article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
- C. Outdoor advertising authorized under paragraphs 6 and 7, subsection A of this section need not conform to standards contained, but shall bear permits required, in regulations promulgated by the director under the provisions of this article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
- D. Signs lawfully in existence on October 22, 1965 which are determined by the director, subject to the approval of the secretary of transportation as provided for by § 131(c) of Title 23 of the United States Code, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this article, may be preserved or maintained.

"28-2103. Outdoor advertising prohibited

- A. No outdoor advertising shall be placed or maintained adjacent to the interstate, secondary or primary systems at the following locations or positions or under any of the following conditions or if it is of the following nature:
 - 1. If within view of, directed at, and intended to be read from the main-traveled way of the interstate, primary or secondary systems, excepting outdoor advertising authorized under § 28-2102.
 - 2. If visible from the main-traveled way and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this article, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "STOP" or "SLOW DOWN".
 - 3. If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the outdoor advertising might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
 - 4. If visible from the main-traveled way and displaying any red, flashing, blinking, intermittent or moving light or lights likely to be mistaken for a warning or danger signal, excepting that part necessary to give public service information such as time, date, weather, temperature or similar information.
 - 5. If any illumination thereon is of such brilliance and so positioned as to blind or dazzle the vision of travelers on the main-traveled way.

- 6. If existing under a permit as required by this article and not maintained in a safe condition.
- 7. If obviously abandoned.
- 8. If placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging or intersecting traffic.
- 9. If placed upon trees, or painted or drawn upon rocks or other natural features, excepting signs permitted under § 28-2102, subsection A, paragraph 2.

- B. At interchanges on freeways or interstate highways outside of municipal limits, no outdoor advertising signs, displays or device shall be erected in the area between the crossroad and a point five hundred feet beyond the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

"28-2104. Standards for outdoor advertising; directional and other official signs; business areas and unzoned commercial or industrial areas outside municipal limits; zoned or unzoned commercial or industrial areas within municipal limits

- A. Direction and other official signs authorized under § 28-2102, subsection (A), paragraph (1), shall comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this article, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the secretary of transportation of the United States pursuant to subdivision (c) of § 131 of Title 23 of the United States Code.
- B. After April 1, 1970, outdoor advertising placed in business areas and after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits shall comply with the provisions of this article and the following standards:
 - 1. Size of outdoor advertising shall not exceed one thousand two hundred square feet in area with a maximum vertical facing dimension of twenty-five feet and a maximum horizontal facing dimension of sixty feet, including border and trim, and excluding base or apron supports and other structural members. Such size limitations shall apply to each facing of outdoor advertising. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding three hundred fifty square feet each may be placed in a facing. Back to back or V-type signs may be placed, with the maximum area allowed for each facing.
 - 2. Spacing of outdoor advertising shall be such that it is not placed:
 - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
 - (b) Within five hundred feet of the beginning or ending of pavement widening at the exit from or entrance to the main trav-

eled way at a scenic overlook or safety roadside rest area on any portion of a freeway.

(c) Within three hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.

3. Minimum spacing distances from other outdoor advertising shall not apply to outdoor advertising which is separated by a building or other obstruction in such a manner that only one display located within the minimum distances set forth herein is visible from the highway at any one time. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the outdoor advertising.
 4. Outdoor Advertising authorized under § 28-2102, subsection (A), paragraphs (2) and (3) shall not be counted and measured from in determining compliance with the spacing requirements of this subsection.
- C. After the effective date of this article, outdoor advertising placed in zoned or unzoned commercial or industrial areas within municipal limits shall comply with the following standards:
1. The size of outdoor advertising shall not exceed that set forth in subsection B, paragraph 1 of this section.
 2. Spacing of outdoor advertising shall be such that it is not placed:
 - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
 - (b) Within one hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
 3. It shall have the same standard as subsection (B), paragraph (3) of this section.
 4. It shall have the same standard as subsection (B), paragraph (4) of this section.

"28-2105. Authority to acquire outdoor advertising and property rights; compensation; removal

- A. The director shall acquire by gift, agreement, purchase, exchange, eminent domain or other lawful means, all right, title, leasehold, and interest in any outdoor advertising together with the right of the owner of the real property on which such outdoor advertising is located to erect and maintain such outdoor advertising thereon, when the outdoor advertising is prohibited by this article. Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- B. If compensation is required by federal law, and if federal participation in such compensation is required by federal law, nonconforming outdoor advertising shall not be required to be removed until federal funds for the federal share of compensation therefor as required by such federal law have been made available to the Department.

- C. When outdoor advertising is placed after the effective date of this article, contrary to provisions of this article or the regulations promulgated by the director, or when a permit is not obtained as prescribed in this article, the outdoor advertising shall be deemed unlawful. The director shall give notice by certified mail of his intention to remove advertising deemed unlawful to both the owner or the occupant of the land on which such outdoor advertising is located and the owner of the outdoor advertising, if the latter is known, or if unknown, by posting notice in a conspicuous place on such outdoor advertising. Within seven days after such notice is mailed or posted the owner of the land or the outdoor advertising may make a written request to the director for a hearing to show cause why the outdoor advertising should not be removed. The director shall designate a hearing officer, who shall be an administrative employee of the department, to conduct and preside at such hearings. When a hearing is requested under this provision, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days' notice of the time of such hearing. All hearings shall be conducted at department administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing. If the decision is adverse to the party, the party may within ten days after the decision is rendered, petition the superior court of the county wherein the outdoor advertising is located to determine whether the decision of the hearing officer was lawful and reasonable. If the decision of the court upholds that of the director, all costs from the time of the administrative hearing, including court costs, shall be borne by the owner of the land or the outdoor advertising or both. If a hearing before the director is not requested, or if there is no appeal taken from the director's decision of such hearing, or if the director's decision is affirmed on appeal, the director shall immediately remove the offending outdoor advertising. The owner of the outdoor advertising or the owner or occupant of the land or the owner of the outdoor advertising and the owner or occupant of the land shall be liable for the costs of such removal. The director shall incur no liability for such removal.

"28-2106. Agreement with secretary of transportation; outdoor advertising regulations; permits

The director shall:

1. Enter into the agreement with the secretary of transportation provided for by § 131(d) of Title 23 of the United States Code setting forth the standards governing the size, lighting, and spacing of outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (4) and (5), and defining an unzoned commercial or industrial area. If the standards and definitions contained in the agreement do not agree substantially with the provisions of this article, the agreement shall not become effective until the legislature by statute amends this Article to conform with the terms of the agreement.

2. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising. Such regulations shall be consistent with the public policy of this state to protect the safety and welfare of the traveling public, the provisions of this article, the terms of the agreement with the secretary of transportation, and the national standards, criteria, and rules and regulations promulgated by the secretary of transportation pursuant to § 131 of Title 23, United States Code.
3. Define by rules or regulations, unzoned commercial or industrial areas along with the interstate and primary systems. The definitions shall be consistent with the definitions of these areas set forth in this Article and set forth in the agreement with the secretary of transportation.
4. Issue permits to place or maintain, or both, outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (1), (4), (5), (6) and (7), and establish and collect fees for the issuance of such permits. The fees shall be not more than the actual costs to the department. All fees collected under the provisions of this article shall be paid to the state treasurer for credit to the state highway fund.

"28-2107. Control of advertising displays along interstate, secondary and primary highways by municipality or county

If an incorporated municipality or county desires to control outdoor advertising along interstate, secondary and primary highways, it may do so upon request to the director and certification by the director to the secretary of transportation that the municipality or county has enacted comprehensive zoning ordinances and by ordinance regulates the size, lighting, and spacing of outdoor advertising in zoned commercial and industrial areas along interstate, secondary and primary highways, providing that municipalities or counties may not assume control of outdoor advertising under the provisions of this section if the ordinance provisions are less restrictive than the provisions of this article.

"28-2108. Advertising displays in safety rest areas; information centers

In order to provide information in the specific interest of the traveling public, the director may authorize advertising displays at safety rest areas and at information centers.

"28-2109. Construction of article

The provisions of this article shall be cumulative and supplemental to other provisions of law and shall not be construed as affecting or enlarging any authority of counties, cities or towns pursuant to any other provisions of law which may exist to enact ordinances regulating the size, lighting, and spacing of outdoor advertising.

"28-2110. Violating penalty

A person who violates any provision of this article or any regulation of the director made and promulgated under this article is guilty of a misdemeanor."

B. Authority and responsibility.

1. Purpose. The purpose of this subsection is to describe the authority and responsibilities the Arizona Department of Transportation exercises in developing rules and regulations relative to outdoor advertising facilities.

2. ADOT responsibilities regarding advertising control. The Arizona Department of Transportation is directed to:
 - a. Enter into an agreement with the U.S. Secretary of Transportation provided for by § 131(d) of Title 23, United States Code, setting forth standards governing outdoor advertising authorized;
 - b. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising;
 - c. Define by rules or regulations, unzoned commercial or industrial areas along the interstate and primary systems;
 - d. Issue permits to place or maintain, or both, outdoor advertising authorized under the act and establish and collect fees for the issuance of such permits.
3. Rules, regulations, and authority. The regulation of outdoor advertising along Arizona Highways by the Arizona Department of Transportation was established by A.R.S. §§ 28-2101 through 28-2110 by the twenty-ninth legislature in second regular session and subsequent amendments. This legislation was approved by the governor and filed in the Office of the Secretary of State on May 18, 1970. The rules and regulations prescribed herein describe the administrative procedure adopted by the Arizona Department of Transportation to aid and guide the effective control of outdoor advertising. These rules and regulations are in addition to and do not purport to change or alter the federal act, the state act, or the federal-state agreement.
4. Permit application procedure. Maintenance Permit Services, Highways Division, Arizona Department of Transportation, is responsible for administering a permit procedure.

C. Outdoor advertising permit application procedure.

1. Purpose. The purpose of this subsection is to present the procedures to be followed by applicants in requesting permits for the erection of outdoor advertising facilities.
2. ADOT permit form and fee required. Each application for a permit to erect an outdoor advertising facility must be made on the appropriate Arizona Department of Transportation form and shall be accompanied by a check or money order in the amount of \$20.00 payable to the Arizona Department of Transportation.
 - a. The initial application fee shall be valid for a period of one year from date of issuance. It shall be renewable annually upon payment of a \$5.00 fee.
 - b. Renewal fees will become delinquent 30 days after the annual renewal date. On becoming delinquent, such sign structures will be in violation and a new initial application fee of \$20.00 will be required.
3. Applications mailed to maintenance permit engineer. Applications for outdoor advertising permits should be mailed to:

Arizona Department of Transportation
Highway Division
206 South 17th Avenue
Phoenix, Arizona 85007,
Attention: Maintenance Permit Engineer, Maintenance Section.

 - a. Assistance to applicants is available at District offices. (See list of district office addresses in Exhibit 9).
4. Separate application for each sign. Each outdoor advertising sign, display or device requires a separate application with fee. All required information describing the location of the sign, the sign qualification standards, and the per-

- mitted area identification shall be completely entered on the permit form.
5. Legal description of sign site required. Applicants shall be required to obtain a certification from the governing zoning authority certifying that the zoning is correct for the legal description of the proposed sign location. In cases where the legal description is listed incorrectly on the application, a new certification must be obtained for the correct legal description. Legal descriptions shall adequately describe the property for which the application is made.
 6. Location diagram required. Applicants shall submit a location diagram indicating highway route number and such physical features as: buildings, bridges, culverts, poles, mileposts and other stationary land marks necessary to adequately describe the location. The sketch will also indicate the distance in feet the sign is to be erected from the nearest milepost or a street intersection and other off-premise signs in the same vicinity.
 7. Applicants must mark site locations. Applicants are required to place an identifiable device or object bearing applicant's name at the proposed sign location to aid field inspectors in site evaluations.
 8. Landowner's permission mandatory. Applicants shall be required to obtain a signed certification stating that the applicant has the permission of the landowner to erect the sign at the noted legal description, or in lieu thereof, furnish a copy of an executed lease.
 9. Each pending application field checked. Each pending application will be field checked for compliance with the state act and ADOT regulations by the district. The findings of the field check will be forwarded to the Maintenance Permit Engineer, Maintenance Section, for final examination and if approved, permit issuance.
 10. Noncompliance. Each application for a permit to erect an outdoor advertising facility which does not comply with all requirements of the law and the Arizona Department of Transportation regulations, will be denied and the application fee may be retained by the state. Exception will be made in cases where applicants did not have knowledge of previous applications or permits for the same site.
 - a. An additional \$20.00 fee shall be added to the regular permit fee for signs illegally erected prior to the issuance of a permit.
 11. Permit decals on sign structures. Applicants shall affix permit decals on a permanent surface near the portion of the sign structure closest to the main traveled way and clearly visible from said roadway. Permit decals to replace any which have been issued and were improperly affixed, lost or destroyed, whether before or after attaching to the sign structure, may be purchased at a cost of \$5.00.
 - a. Signs bearing permit decals for signs other than the sign for which they were issued shall be in violation.
 12. Forfeiture of permit fee. Outdoor advertising facilities for which permits have been issued shall be erected within 120 days and shall bear the official permit identification issued for the specific facility. If the applicant mails a written request for extension of time prior to expiration of the 120 days, an additional 60-day extension may be granted. Any permit canceled because no sign was erected within the prescribed time will result in forfeiture of the \$20.00 fee.
 13. Denial of permit renewals. An existing permit will not be renewed for an approved location on which no sign structure exists.
 14. Removal and re-erection time limits. If an outdoor advertising sign is removed from a permitted location for any reason, the permit shall expire within 30 days from date of removal, except that the permittee may notify the Arizona Department of Transportation, Highways Division, Maintenance Permit Engineer, of intent to re-erect which will allow 120 days for re-erection. Failure to re-erect which will allow 120 days for re-erection. Failure to re-erect within the 120 days allowed will cancel the existing permit.
 15. Transfer of permits. Permits are transferable upon sale of sign provided a new order furnishes the Arizona Department of Transportation with notification of sale within 30 days after date of sale.
 16. Calendar days. All references to days made in this permit application procedure, as well as those references in all rules and regulations applying to outdoor advertising control, shall mean calendar days.
- D. Administrative rules.**
1. Purpose. The purpose of this subsection is to present administrative rules developed by the Arizona Department of Transportation for control of outdoor advertising.
 2. Restrictions on rights-of-way use. No sign shall be erected or maintained from or by use of interstate highway rights-of-way. Any observed action of this type will result in cancellation of the permit. Signs may be erected and maintained from primary and secondary highways only if no other access is available and an encroachment permit is issued.
 3. Nonconforming signs shall be in violation if:
 - a. A sign is enlarged (increased in any dimensions of the sign face or structural support),
 - b. A sign is replaced (an existing sign is removed and replaced with a completely different sign),
 - c. A sign is rebuilt to a different configuration or material composition beyond normal maintenance, or
 - d. A sign is relocated (moved to a new position or location without being lawfully permitted).
 - e. A sign which was previously non-illuminated has lighting added.
 4. Commercial or industrial activities. Commercial or industrial activities which define a "business area", "unzoned commercial or industrial area" must be in operation at the time the permit application is made.
 - a. Should any commercial or industrial activity, which has been used in defining or delineating a "business area", or an "unzoned commercial or industrial area", cease to operate for a period of six continuous months, any signs qualified by such activity shall become nonconforming.
 5. On premise. Should any activity which has been used in defining an "on-premise" sign cease to operate for a period of six continuous months any signs qualified by such activity shall be considered as off premise and will require appropriate permits. If the signs are then not permissible they will be in violation.
 6. Municipal limit between signs. When a municipal limit falls between signs the spacing requirement shall be 300 feet between signs on primary or secondary highways.
 7. Proposed interstate alignment locations. Signs existing or to be erected on primary or secondary highway systems which have been declared by the Director of Transportation as an interstate freeway alignment prior to construc-

tion of such interstate or freeway shall be classified as though the Interstate or Freeway already exists, requiring spacing criteria for Interstate or other freeways.

8. Double-faced, back-to-back, and V-type signs. Double-faced, back-to-back and V-type sign structure permits will be limited to a single sign ownership for each site. No more than two faces will be allowed facing each direction of travel. Double-faced signs shall not exceed 350 square feet per face. "V-type signs will be limited to a 10' spacing between faces at the apex. V-type sign spacing from other signs shall be measured from the middle of the apex."
 9. Multifaced community signs. Local chambers of commerce may obtain permits to erect signs with more than two faces. These signs shall not exceed 1,200 square feet in area with a maximum overall vertical facing of 25 feet and a maximum overall horizontal facing of 60 feet, including border and trim, and excluding base or apron supports and other structural members. All other laws, rules and regulations will apply to multifaced community signs as to other off premise signs.
 10. New sign making existing sign nonconforming. If a new sign which would otherwise be conforming will make an existing sign nonconforming, the new sign shall not be allowed.
 11. Hearing requests. The land owner or sign owner may request a hearing in connection with a permit application denied or other action taken by the Arizona Department of Transportation in connection with the rules herein prescribed. Within seven days after notice of such action is mailed or posted the land owner or sign owner may make written request for a hearing on such actions. The Director of Transportation shall designate a hearing officer, who shall be an administrative employee of the Department of Transportation, to conduct and preside at such hearings. When a hearing is requested, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days notice of the time of such hearing. All hearings shall be conducted at Department of Transportation administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing.
 12. Landmark signs. The Director will submit a one-time declaration listing all landmark signs to the Secretary of Transportation. The preservation of these signs would be consistent with the purposes of state highway beautification laws.
 13. Blanked out or discontinued nonconforming signs. When an existing nonconforming sign ceases to display advertising matter for a period of one year the use of the structure as a nonconforming outdoor advertising sign is terminated.
 14. Vandalized signs. Legal nonconforming signs may be rebuilt to their original configuration and size when they are destroyed due to vandalism and other criminal or tortious acts.
- E. Standards for directional and other official signs.**
1. Purpose. The purpose of this subsection is to present standards applicable to directional and other official signs.
 2. Scope and application. The standards presented in this Chapter apply to directional and other official signs and notices which are erected and maintained with 660 feet of the nearest edge of the right-of-way of the interstate, federal-aid primary and secondary highway systems and which are visible from the main traveled way of the systems. These types of signs must conform to national standards, promulgated by the Secretary of Transportation under authority set forth in § 131(c) of Title 23, United States Code. These standards do not apply, however, to directional and other official signs erected on the highway right-of-way.
3. Definitions. "Official signs and notices" means signs and notices, other than traffic regulatory, erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.
 - a. "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
 - b. "Public utility signs" means warning markers which are customarily erected and maintained by publicly or privately owned public utilities to protect their facilities.
 - c. "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious service, which signs do not exceed eight square feet in area.
 - d. "Public service signs" means signs located on school bus stop shelters, which signs:
 - i. Identify the donor, sponsor, or contribution of said shelters;
 - ii. Contain safety slogans or messages, which shall occupy not less than 60 percent of the area of the sign;
 - iii. Contain no other message;
 - iv. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
 - v. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
 - e. "Directional" means signs containing directional information about public places owned or operated by federal, state, or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious, and rural activity sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
 - f. "Obsolete sign" means a directional or other official sign the purpose of which is no longer pertinent.
 4. Standards for directional signs. The following apply only to directional signs:
 - a. General. The following signs are prohibited:
 - i. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.

- ii. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
- iii. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- v. Obsolete signs.
- v. Signs which are structurally unsafe or in disrepair.
- vi. Signs which move or have any animated or moving parts.
- vii. Signs located in rest areas, parklands or scenic areas.
- b. Size. No sign shall exceed the following limits, which include border and trim, but exclude supports.
 - i. Maximum area -- 150 square feet.
 - ii. Maximum height -- 20 feet.
 - iii. Maximum length -- 20 feet.
- c. Lighting. Signs may be illuminated, subject to the following:
 - i. Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
 - ii. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - iii. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- d. Spacing.
 - i. Each location of a directional sign must be approved by the Arizona Department of Transportation.
 - ii. No directional sign may be located within 2,000 feet of an interstate, or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
 - iii. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
 - (1)No two directional signs facing the same direction of travel shall be spaced less than one mile apart;
 - (2)Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
 - (3)Directional signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
 - (4)Directional signs located adjacent to the Primary System shall be within 50 air miles of the activity.
 - (5)No directional signs shall be located within 500 feet of an off-premise outdoor advertising sign on any state highway.
- e. Message content. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit number. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.
- f. Selection methods and criteria for privately owned activities or attractions to obtain directional sign approval.
 - i. Privately owned activities are attractions eligible for directional signing are limited to the following categories:
 - (1)Natural phenomena,
 - (2)Scenic attractions,
 - (3)Historic sites,
 - (4)Educational sites,
 - (5)Cultural sites,
 - (6)Scientific sites,
 - (7)Religious sites,
 - (8)Outdoor recreational area.
 - ii. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.
 - iii. The Director, Arizona Department of Transportation, will appoint a "Selection Board for Directional Signing Qualifications" consisting of three administrative or professional employees of the Department of Transportation, one of whom shall be designated as chairman, to judge and approve the qualifications for directional signing of privately owned activities or attractions as limited to the categories in subdivision (i) and the qualification in subdivision (ii) above.
 - iv. Applicants for directional signs involving privately owned activities or attractions, shall first qualify such activity or attraction by submitting an official qualification form to the attention of the maintenance permit engineer, highways division, Arizona Department of Transportation. The maintenance permit engineer will forward the application for qualification, along with any technical data which may assist the board in making their determination, to the selection board.
 - v. Applicant shall indicate one or more categories (as listed in subdivision (i) above) that is applicable to the activity or attraction for which qualification is sought. Applicants shall submit a statement and supporting evidence that the activity or attraction is nationally or regionally

- know and is of outstanding interest to the traveling public.
- vi. The qualifications board will, upon approval or rejection of an application, give notification of their determination in writing, to the applicant and to the maintenance permit engineer.
 - vii. The maintenance permit engineer will not issue any permits for directional signs for any privately owned activity or attraction until receipt of qualification approval by the qualifications board. All directional sign permits issued for the Department of Transportation by the maintenance permit engineer will meet the standards for directional and other "official signs" as incorporated in the "Rules and Regulations for Outdoor Advertising along Arizona Highways" approved and issued by the Director, Arizona Department of Transportation.
 - g. "Rural activity signs" are intended to give directions to rural activity sites located along rural roads connecting to state highways. The signs must be located in areas primarily rural in nature. Rural activities that may qualify include ranches, recreational areas and mines. Signs for private residences, subdivisions, and commercial activities are not permitted. Industrial activities that are located in primarily rural areas such as mines or material pits may be allowed. The signs shall not be located in "business areas", "unzoned commercial or industrial areas", nor within municipal limits. The selection board may make final determination of eligibility for such signs when necessary. Not more than one sign pertaining to a rural activity facing the same direction of travel may be erected along a single route approaching the rural connecting road. Signs will be limited to ten square feet in area. All other standards for directional signs shall apply.
 - h. No application fee, is required for "official signs and notices", "public utility signs", "service club and religious notices", "public service signs" or "directional signs" erected by federal, state or local governments. Other directional signs require a permit application and \$20.00 fee.

Historical Note

Adopted effective January 3, 1977 (Supp. 77-1). Former Section R17-3-711 renumbered without change as Section R17-3-701 (Supp. 88-4).

Exhibit 1**TABLE OF REGULATIONS FOR OUTDOOR ADVERTISING**

SPECIFICATION	ZONED COUNTY	UNZONED COUNTY	MUNICIPALITY
Permitted Area	"Business Area"	"Unzoned Commercial	Zoned or "unzoned or Industrial Area"Commercial or Industrial Area"
Zoning Required	Commercial or Industrial	NA	Zoned--Yes Unzoned NA
Dimension of Area	1,000 ft. each way	1,000 ft. each way	Wherever zoned and 1,000 ft. each way for Unzoned Commercial or Industrial
Dimension of Area at Freeway T.I. activity within 1,000 ft. of T.I.	3,000 ft. each way from crossroad. Except for prohibition	NA	NA
Prohibited Traffic Interchange Area	From 500 ft. beyond point of widening	From 500 ft. beyond point of widening to crossroad	NA to crossroad
SPACING			
Freeway-same side	500 ft. minimum	500 ft. minimum	500 ft. minimum
Primary and secondary--not a freeway	300 ft. minimum	300 ft. minimum	100 ft. minimum
Exit & Entrance to a scenic overlook or safety rest area	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	NA
SIZE Area	1,200 Sq. ft.	Same	Same
Vertical Facing	25 ft. maximum	Same	Same
Horizontal Facing	60 ft. maximum	Same	Same
2 Displays One Face	350 sq.ft. each	Same	Same

Exhibit 9

LIST OF DISTRICT OFFICES

	TELEPHONE	MAILING ADDRESS
DISTRICT I		
Office	261-7381	2140 W. Hilton Ave. Phoenix, AZ 85009
DISTRICT II		
Office	622-6701	1221 S. 2nd Ave. P.O. Box 27306 Tucson, AZ 85726
DISTRICT III		
Office	428-0030	P.O. Box 711 Safford, AZ 85546
DISTRICT IV		
Office	524-6801	P.O. Box 280 Holbrook, AZ 86025
DISTRICT V		
Office	774-1491	1801 S. Milton Rd. Flagstaff, AZ 86001
DISTRICT VI		
Office	445-5391	1210 East Sheldon Prescott, AZ 86301
DISTRICT VII		
Office	473-4401	U.S. 60-70 Claypool Drawer AD Miami, AZ 85539

R17-3-701.01. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits

- A.** Outdoor advertising shall not be erected under A.R.S. § 28-2102(A)(4) or (5) in a zoned area:
- Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
 - In which limited commercial or industrial activities are permitted as an incident to other primary land uses.
- B.** A permit for outdoor advertising shall not be issued under A.R.S. § 28-2106(4) in a zoned area:
- Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
 - In which limited commercial or industrial activities are permitted as an incident to other primary land uses.

Historical Note

Emergency rule adopted effective May 17, 1994, pursuant to A.R.S. § 41-1026, valid for 90 days (Supp. 94-2).
 Permanently adopted without change effective August 12, 1994 (Supp. 94-3).

R17-3-702. Encroachments in highway rights-of-way

- A.** Purpose and authority.
- Purpose. In order to adequately control highway rights-of-way, prevent their abuse, and unauthorized use, the Director herein wishes to prescribe the above referenced rule.
 - Authority A.R.S. §28-108(19). "The Director shall: . . . 19. Exercise complete and exclusive operational control and jurisdiction over the use of state highways and routes and prescribe such rules and regulations regarding such

use as he deems necessary to prevent the abuse and unauthorized use of such highways and routes."

- B.** Scope. The rules and regulations herein established include permit application procedures, permit processing procedures, initial placement, adjustment, relocation, reconstruction and replacement for use of state highway rights-of-way.
- C.** Encroachment permit application procedures.
- Completed ADOT applications shall be sent to the appropriate district engineer. The district engineer is responsible within the district for all phases of implementing the control of encroachment permits from the initial application, review, approval, construction and final inspection.
 - Plans required. Applicants shall submit a set of plans indicating highway route number, mileposts, highway engineering stations, and physical features such as buildings, bridges, culverts, poles and other stationary landmarks necessary to adequately describe the location. Permit applicants are encouraged to employ competent design professionals such as registered professional engineers or architects when preparing plans of a complex nature. Permit applications shall include four sets of plans on primary and secondary highways and five sets on interstate highways. Commonly used construction standards are included as Exhibit Numbers 1-9.
 - Each application reviewed. All permit applications are initially submitted to the respective districts. Only when necessary, will the districts route them to the appropriate department, for comments. The findings will be forwarded to the district office for final evaluation and issuance. A copy of the permit is sent to Maintenance Permits Services for filing as well as for quality control, i.e., review for uniformity and consistency in compliance with ADOT standards, specifications and special requirements

- in the issuance of permits. No work is to be performed until the permit is approved. All work is to be in accordance with Arizona Department of Transportation standards.
4. Time limit. Ninety calendar days will be the normal time allowed for completion of construction. Time limits beyond 90 days' time may be granted as determined by the Arizona Department of Transportation.
 5. Time extension. Applicants may apply for a time extension beyond the allotted time indicated on the permit by contacting the District office. If work has changed, a reapplication may be required.
 6. Transfer of permits. Permits are transferable upon sale of ownership provided new owner furnishes the Arizona Department of Transportation with a notification within 30 days after date of sale. It is the obligation of the permittee to notify the new owner of the necessity to apply for a change of ownership.
 7. Bonding.
 - a. Performance bonds or other assurance of construction may be required to insure faithful performance of a permittee's obligation. The amount shall be equal to one half the amount of the cost of the work or any other possible financial loss to the state (as determined by the district engineer).
 - b. The performance bonds shall be executed by the applicant as principal with a corporation duly authorized to transact surety business in the state of Arizona. The bond shall be in favor of the Arizona Department of Transportation, shall be continuous in form, and shall be limited to the face amount of the bond irrespective of the number of years the bond is in force. The bond shall be released upon satisfactory performance and acceptance of the work or may be cancelled after the applicant has provided other security satisfactory to the Arizona Department of Transportation which will cover obligations that remain.
 - c. In instances where an applicant is issued numerous small permits throughout the year, he may post a continuing bond to cover work under more than one permit. The continuing bond shall be of a value sufficient to cover all work under construction by the permittee at any time and shall be satisfactory to the district engineer.
 - d. The bonding requirement may be waived when it can be determined by the district engineer that adequate protection is provided the Department to ensure satisfactory completion of the construction.
 8. Access.
 - a. No access will be granted where access control rights have been legally established unless waived by the state engineer in accordance with FHWA standards.
 - b. Access to abutting property from within interstate or other freeway rights-of-way where permitted will be limited to:
 - i. Frontage roads except the merging entrance and exit ramp areas which will be subject to traffic engineering evaluation.
 - ii. Intersecting or nearby public roads and streets within interstate rights-of-way. At interchanges control for connections to the crossroad is normally effected beyond the ramp terminals by purchasing of access rights. Such control should extend along the crossroads beyond the ramp terminal 100 feet or more in urban areas and 300 feet or more in rural areas subject to traffic engineering evaluation.
 - c. Access from within primary, secondary or other conventional highway rights-of-way will be permitted in accordance with appropriate standards. (See Exhibits 1, 2 and 7.)
 - d. Median openings may be allowed on divided highways except interstate or other freeways provided they conform to Arizona Department of Transportation policy regarding the design and spacing of such openings. This policy will be provided applicants upon request.
 - e. Permits shall be only for the construction of new turnouts and driveways or changing the location of an existing driveway. They shall not be issued for the purpose of providing a parking area or for servicing of vehicles on highway right-of-way.
 - f. Joint driveways may become desirable for landowners of adjacent properties to require a joint driveway to service both properties. If this is the case, only one of the two adjacent landowners need apply for the access permit but a notarized written mutual agreement, signed by all parties involved, must accompany the application form.
9. Signs. On-premise signs, displays, canopy, awning, or devices may be erected on structures occupying highway right-of-way airspace, but shall be limited to those indicating ownership and type of on-premise activities and shall be constructed in accordance with Arizona Department of Transportation Standards. (See Exhibit 9.) No portion of the structure support is allowed within highway right-of-way.
 10. Landscaping.
 - a. The Highway roadside is an integral unit of a total highway facility. The term "roadside" generally refers to the area between the outer edge of the roadway and the right-of-way boundary. These include all unpaved areas within the right-of-way.
 - b. All plans and specifications shall be sufficiently complete and detailed for easy analysis, cost estimating and compliance inspection and shall be submitted in accordance with "Roadside Development Landscaping Permit Guidelines" available to applicants upon request.
 - c. Permit applicants or their professional consultants may be required to discuss and coordinate landscape plans with the roadside development services prior to permit approval.
 - d. Plans shall be designed to select plant materials appropriate for the intended use and location, to arrange plants for optimum effect, and to insure reasonable maintenance within the capability of the proposed permittee. Permit application will be reviewed for consideration of the factors which can affect the safe and efficient operation of the highway facility. It will be the responsibility of the permit applicant to assure that all landscaping is maintained after construction.
 - e. A clear line of sight must be maintained at all highway intersections and entrances; therefore, all plantings in this zone must be limited to an ultimate height of 30 inches or less.
 - f. Plants shall not be used where they may encroach upon drainage-ways and impede their functional value or increase maintenance. It shall be the

- responsibility of the permit applicant to assure that all landscaping is maintained after construction.
11. Hydraulics. At the discretion of the district engineer the following information shall be submitted by permit applicants when any changes are made in drainage conditions:
 - a. A narrative report including a description of the existing drainage conditions, the proposed revisions and the effect of the proposed changes on existing conditions;
 - b. Maps and/or drawings sufficient to show all pertinent features of the proposed modifications. This may include site maps, drainage area maps, contour maps, grading plans, structure profiles, channel profiles, etc.;
 - c. Hydrologic and hydraulic calculations when applicable for design discharge, headwater elevations, tailwater elevations, flow depths and flow velocities in channels.
 12. Utilities. All use permits will be in accordance with the Arizona Department of Transportation Guide for Accommodating Utilities on Highway Rights-of-Way. If applicant has a utility agreement with Arizona Department of Transportation, this agreement shall be included with the application. Utility plans shall adequately show such features as pavement and right of way lines in relation to their proposed facilities. Plans shall clearly indicate any existing utilities in the area. (See Exhibit 8.) If plan symbols are used that are not standard, they shall be defined on the plans submitted.
 13. Fences, gates and cattle guards. Applicants shall be responsible for assuring that stock do not enter upon the highway while modifying or installing fence, gates or cattle guards. Back fences shall be maintained in a stock-proof condition. (See Exhibits 5 and 6.)
 14. Jack or bore. Pipes, conduit or other utilities shall be jacked or bored through beneath paved areas. Pits may be placed in the median for boring, jacking or driving of pipes or conduits under divided roadways. The pit areas shall be completely fenced or barricaded and placed at a minimum distance of thirty feet from the edge of shoulder. Pavement cuts shall be considered only when jacking, boring or other alternatives are proven impractical and then only when approved by the district engineer. (See Exhibits 3 and 4.)
- D.** Parades, motion pictures. Parade and motion picture requests shall be made in writing with an accompanying sketch and submitted directly to the appropriate district engineer. The request shall include:
1. Location,
 2. Purpose,
 3. Time -- date and hour,
 4. Length of time,
 5. Traffic control,
 6. Traffic reroute,
 7. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by the event.
- E.** Temporary signs or banners, including Christmas decorations. No temporary signs, banners or Christmas decorations shall be attached to any traffic control device, nor shall any such signs, banners or decorations interfere with operation of such devices. Requests for temporary signs or banners shall be made in writing and submitted directly to the appropriate district engineer. The request shall include:
1. Location,
 2. Height of sign or banner across highway (18 minimum),
 3. Size of sign or banner and wording,
 4. Inclusive dates sign or banner will hang,
 5. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by this event,
 6. Legend.
- F.** Traffic control and detours. Traffic shall be protected at all times in accordance with the Arizona Department of Transportation Traffic Control Manual. All signs, placement of signs, barricades, lights, and necessity of flagmen shall be the responsibility of the Permittee.
- G.** Minimum setback.
1. 50 MPH or greater design speed:
 - a. Minimum setback of a fixed object from the edge of the traffic lane should be 30 feet unless one of the following reasons will allow for a lesser distance.
 - i. Cuts of 3 to 1 or steeper -- obstacles are allowed 10 feet behind the point of vertical intersection (P.V.I.) at the toe of the slope.
 - ii. Where concrete barriers, walls, abutments, or other rigid obstructions are used -- fixed objects may be placed 4 feet behind the obstructions.
 - iii. Where flexible guardrail (box-beam, w-beam, or cable) is used 6 to 20 feet behind the face of the guardrail, depending upon the type.
 - iv. Where there are barrier curbs (5" or more vertical face) near a traveled lane -- 6 feet behind the face of the curb; adjacent to a parking lane - no definite setback distance.
 - b. Where limited right-of-way or the necessity for planting would result in less clearance, all factors in the particular problem area should be weighed to decide if a special exception is warranted.
 2. 50 MPH or less design speed:
 - a. Minimum setback of a fixed object from the edge of the traffic lane may be 25 feet unless one of the reasons set forth under paragraph (1) will allow for a lesser distance.
 - b. On curves, adequate sight distance for the design speed of the highway must be maintained.
- H.** Rest area coffee breaks. Free coffee is allowed in rest areas for which donations may be accepted but not required if the following conditions are met:
1. The activity must be conducted for the expressed purpose of improving the safety of the highway travel and not as an advertisement of any organization or activity.
 2. The applicant must be a nonprofit organization with a concern for automotive, highway or driver safety.
 3. The activity must be carried on solely within the rest area apart from any ramp or other surface used for the movement of vehicles. The intent is to assure an absolutely safe operation. Permission will not be granted for such activity at rest areas where the activity could cause a backup along the ramps to the main lanes of the highway.
 4. The activity must have the approval of the appropriate DOT District Engineer and must meet other requirements of state law:
 - a. Applicant shall specify the rest area to be utilized on interstate or primary highways including route number and milepost. If on a divided highway with dual rest areas, both shall be utilized. This is to promote highway safety by alleviating the need of vehicles to cross the median illegally.
 - b. Specific time and date that a "safety break" is to be in operation shall be stated by the applicant.

- c. In order to provide the least rest area interruption, the district shall designate the location to be utilized for the coffee break facility.
- d. Applicants must submit a sketch indicating the location, legend and size for any proposed signs. The district engineer shall have authority over type, size up to the maximum as stated in subdivision (v) below, and location of signs on or off the right of way.
- e. A letter for each request must state that the applicant agrees to abide by the following requirements:
 - i. The state accepts no liability for such activities.
 - ii. There shall be no impeding of traffic or normal use of the rest area.
 - iii. Erection and removal of all signs will be at no cost to the state.
 - iv. After the specified time for the activity has terminated, the applicant will be given 24 hours to remove all signs.
 - v. The maximum size of signs shall be limited to a rectangular 4' x 8' or one with an equivalent area.
 - vi. Any connection to rest area power shall be done in full compliance with OSHA safety requirements. The use of electrical cords outside the area of the facility will not be permitted.
 - vii. The connector to the rest area power source shall be so placed that it does not constitute a hazard to the public nor be an inconvenience to them. Permittee shall use only the connector furnished by the state. If no power is available, the permittee shall provide his own.
 - viii. Applicant shall be responsible for cleaning the site following use. Failure to do so will result in the district billing applicant for costs.
 - ix. No tools other than those manufactured for use on water faucets shall be used to secure water from rest area facilities.
 - x. Approval for requests will be made on a first come, first served basis; however, requests will not be accepted earlier than 45 days nor later than 7 days before the first date of proposed service. No formal permit will be issued; however, a letter of responses will originate from the appropriate district engineer with copies to the appropriate maintenance highway crew supervisor, DPS Office and maintenance permit engineer. The letter may also contain additional specific conditions for use of that particular rest area.
- I. City-issued state permits. When authorized by maintenance agreements with Arizona Department of Transportation, cities may issue permits to use state highway right-of-way. A city authorized to issue state highway permits is required to use state standard permit forms and follow such general state policies regarding encroachments as may be specified by Arizona Department of Transportation. State design standards may be modified in cases where city standards of design are more restrictive than state requirements, in which case city standards of design will be followed.
- J. Maintenance responsibility. The adjacent property owners having access to a state highway shall be fully responsible for the maintenance of their driveway including the portion from the highway right-of-way line to the outside edge of the highway shoulder or curbline. This maintenance responsibility includes the removal of snow and ice and keeping the portion within the highway right-of-way in a safe condition for the general public. The owner shall be responsible for the maintenance of ditches, pipes, catch basins, grates, poles, gates, aerial wires, buried cables and and other structures or installations placed in connection with encroachment permits. The owner will be given ten days notice to perform the required maintenance. After this period, the Director may then perform the required maintenance, and the owner shall be liable for the costs of such maintenance. If an emergency exists wherein there is an immediate hazard to the highway, the Director may perform the required remedial maintenance, and the owner shall be liable for all such costs incurred. The owner shall be responsible for any revisions or improvements required as a result of changed conditions of use after the permit is issued and/or after construction is completed, upon the direction of the Arizona Department of Transportation.
- K. Unauthorized encroachments. A.R.S. §28-1870 defines misuse of public highways or airports. Use of state highway rights-of-way shall be limited to authorized uses herein described. Any other uses will be permitted only by specific approval by the Director of Transportation. Owners of unauthorized property located in the state highway right-of-way will be notified that they are in violation of state law. If the encroachment has not been removed within the time prescribed, the Director may remove the unauthorized encroachment, and the owner shall be liable for the cost of such removal.
 - 1. The following encroachments or uses of state highway rights-of-way will normally not be permitted:
 - a. Advertising signs;
 - b. Parking areas;
 - c. Sales of any article, service or thing;
 - d. Bicycle, walking, equestrian or other activities on urban freeways;
 - e. Any commercial or industrial activity.
 - 2. None of the above uses of state highway right-of-way will be permitted except for applications in special circumstances, and the use in no way conflicts with safe and efficient highway uses nor with highway maintenance or other authorized activities. Permits will always need to be acquired for these encroachments.
- L. Traffic hazards and permits. No permit shall be issued for any encroachment if it creates a traffic hazard. Applicants will adhere to the manual on Uniform Traffic Control Devices (copy of which is on file with the Secretary of State), R17-3-01 (repealed). No work shall be allowed without a properly approved permit.

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

EXHIBIT 6

EXHIBIT 7

EXHIBIT 8

EXHIBIT 9

Historical Note

Adopted effective September 9, 1977 (Supp. 77-5). Amended effective May 11, 1981 (Supp. 81-3). Former Section R17-3-712 renumbered without change as Section R17-3-702 (Supp. 88-4).

R17-3-703. Arizona junkyard control

- A.** Authority. A.R.S. §§ 28-2131 through 28-2136 are the authority for and are relevant to the content and intent of this rule. This rule is in addition to and does not purport to change or alter federal or state law.
- B.** Purpose and responsibility. The purpose of this subsection is to describe the responsibility the Arizona Department of Transportation exercises to effectively control junkyards within one thousand feet of the right-of-way on interstate and primary highways in accordance with statutory directives.
- C.** Definitions. The definitions of specialized terms describing roadside junkyards, and matters relating thereto, as used in this rule are as follows:
1. "Director" means the Director, Arizona Department of Transportation or his delegated representative.
 2. "Screening" means the use of any vegetative planting, fencing, masonry wall or other architectural treatment, earthen embankment, or a combination of any of these which will effectively hide from view any deposit of junk from the main-traveled way.
 3. "Screening license" means a license issued by the Director, Arizona Department of Transportation, as required by A.R.S. §28-2133 and as further described in this rule.
- D.** Roadside junkyard screening license application procedure.
1. Purpose. The purpose of this subsection is to present the procedures to be followed by the applicants in requesting licenses for the screening of roadside junkyard facilities.
 2. Junkyard screening license required. After May 11, 1971, any new junkyard established or any lawfully existing junkyard expanded, any portion of which is within one thousand feet of the nearest edge of the right-of-way of the interstate or primary highway systems, and of which any portion is within view of the main-traveled way on such highway system will require a screening license from the Director.
 3. ADOT screening license form and fee required. Each application for a license to screen a roadside junkyard must be made on forms prescribed by the Director which shall be designated "Junkyard Permit Application" and shall be accompanied by a check or money order in the amount of \$20.00 payable to the Arizona Department of Transportation for credit to the State Highway Fund. Assistance to applicants is available at District Offices.
 4. Application mailed to maintenance permit engineer. Applications for a license to screen a roadside junkyard should be mailed to:
Arizona Department of Transportation
Highways Division
206 South 17th Avenue, Room 175-A
Phoenix, AZ 85007
Attention: Maintenance Permit Engineer -- Maintenance Section
 5. Property description, ownership, and location diagram. Applicants shall submit the legal description and ownership of record of the land occupied by the junkyard to be screened along with a location diagram or plat of the junkyard area which shall indicate the highway route number, distance to nearest highway milepost and such physical features as: buildings, bridges, culverts, utility poles and other stationary improvements or site features necessary to adequately describe the location. This site plan shall also indicate the distance in feet from the highway right-of-way to the junkyard boundaries if not coincident.
 6. Screen design.
 - a. The applicant shall submit drawings or plans to scale satisfactorily illustrating the design of the junkyard screen to be implemented. Drawings submitted shall include plan view, elevation and details adequate to show design and construction materials to be used. The design submitted shall effectively screen from view from the traveled way all contained junk in accordance with standards established by the Director. The design of screening plans submitted will be reviewed and approved by Roadside Development Services prior to issuance of approved license.
 - b. After the screening plans have been approved by the Director, the applicant has a maximum of 180 days to screen the proposed junkyard.
7. Each pending application field checked. Each pending application will be field checked for compliance with the state act and these regulations. If all requirements are met, final approval for the screening license will be given by the Director.
 8. Noncompliance. Each application for a license to screen a roadside junkyard facility which does not comply with all requirements of the law and these regulations will be denied and the application fee will be retained by the state. The applicant may, however, receive a 90-day extension upon written request within ten days of denial, by submitting an amended application without loss of fee.
 9. Forfeiture of screening license fee. Construction for new roadside junkyard screening facilities, for which screening license has been issued, shall be commenced within 120 days and completed within 180 days from the date of the issuance of the permit. If the applicant mails a written request for extension of time prior to the expiration of the construction commencement date, an additional 60 days extension for commencement and completion of construction may be granted. Any screening license cancelled because the junkyard screening was not completed within the prescribed time will result in forfeiture of the \$20.00 fee.
 10. Invalidation of screening license. An existing screening license will become invalid at a previously approved location when the junkyard facilities have been enlarged or substantially changed in use so that the screening is no longer adequate to screen the junk. A new and separate screening license will be required.
 11. Transfer of screening license. Screening licenses are permanent and transferable upon sale of the facility provided a new owner furnishes the Director with notification of sale within 30 days after date of sale.
 12. Calendar days. All references to days made in this junkyard screening procedure shall mean calendar days.
- E.** Screening.
1. Purpose. The purpose of this subsection is to describe the regulations governing the location, planting, construction and maintenance, including materials used in screening junkyards as required in A.R.S. §28-2132, subsection D.
 2. Junkyard expansions. Any expansion of a junkyard shall be screened by the owner at his own expense. Screening expansions shall be aesthetically compatible, as determined by the Director, with any existing screens.
 3. Screening responsibility. Junkyards established subsequent to May 11, 1971, the effective date of the "Beautification of Highways -- Regulation of Junkyards" Act (A.R.S. §§ 28-2131 - 28-2136), any part of which is located in the area of control must be adequately screened by the owners of the junkyard. Such screening shall be

licensed in accordance with state law and these regulations by the Director and located off of the right-of-way.

4. Screening location. Fences and screens must be located in such a manner as to not be hazardous to the traveling public. New junkyards and expansions shall have screens in place prior to the time the junk is deposited.
5. Acceptable screening. Plans shall show construction details of fencing, berms and plantings used alone or in combination. When fencing is used alone or in combination with plant material, the results shall provide immediate screening. When planting is used alone or in combination with an earthen berm, the number, type, size and spacing of the plants shall be capable of screening the junk entirely from view. The ability of the proposed plant material to accomplish this objective shall be judged by the Director.
6. Acceptable fencing materials. Subject to the approval of the Director, acceptable fencing shall include fences of steel or other metals, durable woods such as heart cypress, redwood or other wood treated with a preservative, or walls of concrete block, brick, stone or other masonry. Metal fencing shall be stained, colored, coated, or painted to blend into surroundings and be aesthetically unobtrusive.
7. Acceptable plant materials. Subject to the approval of the Director, plant materials indicated on the plans shall specify the botanical name, the size at the time of planting, and the spacing between plants. Plant materials used shall be predominantly evergreen. Planting plans shall show plant pit size, backfill material to be used, planting and staking details. In general, the minimum size of plant materials used shall be equal to five-gallon containers. Condition and sizes shall meet appropriate plant type requirements established by the American Nurserymen's Association's current publication, "American Standard for Nursery Stock".
8. Screening maintenance. The owners of any junkyard shall maintain any screening off the right-of-way in good condition. Fences, walls or other structural material shall be kept in good appearance by timely painting and repair. Plant material shall be adequately watered, cultivated, or mulched and given any required maintenance, including spraying for insect control, to keep the planting in good healthy condition. Dead plant material will be removed immediately and shall be replaced promptly during the following proper planting season. Replacement plants shall be at least as large as the initial planting as approved on the screening license. Upon sale of the junkyard, the new owner shall continue all screening maintenance.
9. Abandoned, destroyed, or voluntarily discontinued junkyards. When a junkyard establishment or place of business in existence on the effective date of the Article ceases to operate for a period of one year, it must comply with A.R.S. § 28-2133 and obtain a screening license to be reopened.
10. Violation.
 - a. The owners of any junkyards in violation will be given a violation notice and be given 60 days to apply for a screening license and submit a screening plan for our review and approval. If requested in writing, prior to the expiration of the 60 days, an additional 60 days extension may be granted.
 - b. A person who violates any provisions of the state statutes or regulation promulgated by the Director for junkyard control is guilty of a misdemeanor (A.R.S. § 28-2136).

Historical Note

Adopted effective September 7, 1979 (Supp. 79-5).
Amended effective June 13, 1980 (Supp. 80-3). Former Section R17-3-713 renumbered without change as Section R17-3-703 (Supp. 88-4).

ARTICLE 8. ESTABLISHMENT OF SPECIAL HIGHWAYS

R17-3-801. General Provisions

Definitions. In A.R.S. §§ 41-512 through 41-518 and these rules, unless context otherwise requires, the following definitions shall apply:

1. "Advisory Committee" means the Arizona Parkways, Historic and Scenic Roads Advisory Committee.
2. "Department" means the Arizona Department of Transportation (ADOT).
3. "Resources" means the cultural, natural, scenic, and historic qualities significant to the designation. A parkway, historic, or scenic road may contain one or more of these qualities.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-802. Meetings and Organization of the Advisory Committee

- A. Advisory Committee meetings shall be held at least once each six months at a time and place designated by the chairman. The chairman, the vice chairman with the chairman's approval, or any six members of the Advisory Committee may call such other meetings as necessary to conduct the business of the Advisory Committee. A quorum shall consist of six or more members of the Advisory Committee being present at a legally convened meeting.
 1. All meetings shall be noticed as provided in the Open Meetings Law.
 2. At the first meeting of the fiscal year, the Advisory Committee shall elect a chairman and vice chairman. They shall assume the duties of their offices at the close of the meeting.
- B. If an Advisory Committee chairman or vice chairman resigns or vacates his or her position prior to expiration of office, the Advisory Committee may elect a replacement to serve the remainder of the year.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-803. Duties of Officers

The chairman shall preside at all meetings, appoint subcommittees of the Advisory Committee, and perform all duties pertaining to the office of chairman. The vice chairman shall, in the absence or incapacity of the chairman, exercise the duties of the chairman.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-804. Request to Establish or Designate a Highway or Area

- A. Requests to establish or designate a highway or area as a parkway, historic, or scenic road may be made to the Advisory Committee by any agency, group, or individual who shall submit requests for consideration by the Advisory Committee. The following criteria shall be met:
 1. All requests submitted for establishment or designation of highways, streets, roads, or routes, other than those on the Arizona state highway system, shall require the body

having jurisdiction to provide written notice of concurrence for such an establishment or designation. Upon the receipt of endorsement, the Advisory Committee shall initiate the process for designation of a parkway, historic, or scenic road.

2. A report to provide pertinent information of the proposed designated road, including the benefits and impact, shall be prepared by the requesting agency, group, or individual, as approved by the agency having jurisdiction. The report shall be submitted as information to the Advisory Committee. Reports for highways under the jurisdiction of the Department of Transportation shall be prepared by the Department. The report shall include the following:
 - a. Road segments or areas to be included;
 - b. Inventory of resources;
 - c. Adjacent land ownerships;
 - d. Existing major land-use areas;
 - e. Area zoning;
 - f. Still photos of outstanding and representative scenery;
 - g. Information and recommendations defining the desirable zone of influence, the area to either side of the roadway, which would be required to protect the resources of the areas along the proposed designated road.
- B. The Advisory Committee shall make a systematic evaluation of the extent and quality of the resources for the proposed establishment and designation of parkways, historic, or scenic roads. The following factors shall be considered in the process of providing recommendations to the Transportation Board:
 1. Vividness, memorability of the visual impression;
 2. Intactness, integrity of the visual order;
 3. Unity, forms a harmonious, composite visual pattern;
 4. Historical or cultural impact to the area, state, or nation;
 5. Proximity to the highway or area;
 6. Sufficient land area for parkways to accommodate facilities for visitor needs.
 7. Evaluation by the Arizona Historical Advisory Committee.
- C. The Advisory Committee shall, based on review of the prepared information report and systematic evaluation of the resources according the procedures established for evaluation, forward approved recommendations to the Director for his or her concurrence and presentation to the Transportation Board as to those highways or areas that have been considered and determined appropriate for designation as parkways, historic, or scenic roads. The Advisory Board's decision-making procedures include the following:
 1. Discussion and approval and denial of recommendations shall be made at public open meetings. Recommendations shall be made if passed by vote of the Advisory Committee of a majority of members in attendance and when a quorum is present.
 2. The accepted recommendation for designation shall be sent to the Director for his or her concurrence and presentation to the Transportation Board for consideration.
 3. Highways or areas proposed for designation which receive less than a majority of the votes of the Advisory Committee shall have no recommendation sent to the Director. They may be reconsidered at a later date.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-805. Reconsideration of Requests to Establish or Designate a Highway or Area

- A. Only highways receiving favorable recommendation shall be forwarded for designation. Those receiving a non-favorable recommendation or those recommended for deletion by the Advisory Committee shall be reconsidered upon presentation of additional substantive information to the Advisory Committee by the agency having jurisdiction.
- B. Additional substantive information shall be presented to the Advisory Committee within 60 calendar days of its decision and shall include the development of data that would affect the Committee's evaluation of the extent and quality of the resources being considered. Emphasis shall be placed on the road's unique features or special qualities that could be protected or enhanced. If no additional information is submitted, no further consideration shall be made on the proposal.
- C. Reconsideration of a request for a recommendation to establish or designate a highway or area as a parkway, historic, or scenic road shall conform to information and evaluation procedures of R17-3-804.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Correction to subsection (C) (Supp. 88-4). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-806. Review of Existing Designated Parkway, Historic or Scenic Road

- A. The Advisory Committee may review established or designated parkways, historic, or scenic roads because of changes in the extent and quality of the resources. The review may be initiated by the Committee or at the request of the agency having jurisdiction. The Advisory Committee shall compare the present or modified conditions with the information report and other criteria of certain special qualities that were to be protected or enhanced which resulted in the highway or area being designated.
- B. The decision to recommend continuation or deletion of a designation of a parkway, historic, or scenic road shall be made at a public open meeting. The body having jurisdiction of a designated parkway, historic, or scenic road recommended for deletion may appeal as per R17-3-805.
- C. A recommendation for deletion shall be sent to the Director for his or her concurrence and presentation to the Transportation Board. The Transportation Board shall then vote on the recommendations of the Advisory Committee for deletion of an established or designated parkway, historic, or scenic road. The Board's decisions shall have the following impact:
 1. A decision for continuation shall require no action by the Department or the agency having jurisdiction.
 2. A decision for deletion shall require the Board to cancel the agreement with the body having jurisdiction over the designated road.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Correction to subsection (B) (Supp. 88-4). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-807. Approvals and Agreements Between Agencies for Designation

- A. Prior to consideration by the Advisory Committee, proposals for establishment or designation of a parkway, historic, or scenic road which is not a state highway or route shall require the body having jurisdiction to provide notice of interest for such establishment or designation. Such notice shall be provided in writing.

- B.** Establishment or designation by the Transportation Board shall not become effective until an interagency agreement between the Department and the agency body having jurisdiction has been completed and is filed with the Secretary of State.
- C.** The interagency agreement may include the following:
1. The resource information included by the Advisory Committee in its recommendations to the Director for his or her concurrence and presentation to the Transportation Board;
 2. Requirements or recommendations for protection of unique features and resources;
 3. Provisions for Parkway, Historic, or Scenic Road Designation Signing approved by the Department for established or designated roads;
 4. Restrictions for access roads intersecting parkways and bordering subdivisions approval requirements as provided in A.R.S. §41-514;
 5. Statements to clarify the conditions of the establishment or designation;
 6. Requirements in the event of a decision for deletion and cancellation of the agreement by the Transportation Board;
 7. Provisions that neither the Arizona Department of Transportation, the Arizona Parks Board, nor the Arizona Historical Society undertakes or assumes any financial or legal responsibilities of other agencies or units of government by the establishment or designation of a highway or areas as parkways, historic, or scenic roads.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-808. Acquisition of Land for Parkways, Historic, and Scenic Roads

- A.** The Director may acquire title, either in fee simple or a lesser estate, over lands for the establishment or improvement of a state highway designated as a parkway, historic, or scenic road. Acquisitions shall be accomplished in accordance with A.R.S. § 28-1865 and rules and procedures established by the Department including the following:
1. Land other than state highway may be acquired for designated parkways, historic, or scenic roads by the body having jurisdiction. Acquisitions shall be accomplished in accordance with the applicable state laws and its established rules and procedures.
 2. Acquisition by the Department or other body having jurisdiction may not be accomplished by exercising the power of eminent domain.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

R17-3-809. Construction and Maintenance with Protection and Enhancement of Special Features

- A.** Established or designated parkways, historic, or scenic roads may allow exemptions from standards normally applied to the construction and maintenance of the route to ensure the protection and enhancement of the special features or unique resources. Parkway, Historic, or Scenic Roads designation signing shall be provided as a means of identification of established or designated parkways, historic, or scenic roads. The following construction and signing standards shall apply, based on professional engineering discretion:
1. Exemptions allowed to ensure the protection and enhancement of special features or unique resources shall

be specified for those features or resources. The revised construction procedures may be allowed if approved by the Department of Transportation, the Federal Highway Administration, the county, city, or other body having jurisdiction or involvement in the design, construction or maintenance of the road.

2. Revisions from standards for construction and maintenance for designated parkways, historic, or scenic roads shall be accomplished using procedures, standards, and practices to reasonably provide for the safe use and service of the traveling public.
3. Established or designated parkways, historic, or scenic roads or areas shall be signed using parkway, historic or scenic road designation signing approved by the Department on state, county, or city rights-of-way of the route, in accordance with the following criteria:
 - a. Locations shall be selected which neither will cause visual interference with or distraction from adjacent traffic control devices nor detract from the historic or scenic quality of an area.
 - b. Signing of the established or designated parkway, historic, or scenic road or area should be as close as practicable to the established termini. Interterminal signing may be installed at not less than five-mile intervals. Where the termini are less than ten miles apart, interterminal signing shall not be installed.
 - c. Where a parkway, historic, or scenic road has a terminal at a junction or intersection of a state or other route, signing for such designated routes shall normally be located beyond the junction and beyond the normal complement of signing installed immediately after the junction or intersection. Where appropriate, such signing may be incorporated with or into advance guide signing for the junction or intersection.
 - d. Where an intersecting roadway is established or designated a parkway, historic, or scenic road and such facility has a designated terminal not immediately adjacent to the junction or intersection, signing may be installed only on the designated road.
 - e. Parkway, historic, or scenic road designation signing for an established or designated parkway or historic or scenic road shall conform to the Arizona Department of Transportation-approved design, color, and mounting standards and shall be reflectorized. Other signing shall be approved by the Parkways, Historic and Scenic Roads Advisory Committee and the Director.
 - f. Historical markers and other related signing shall be in accordance with the Arizona Department of Transportation policies, guides, and procedures of the governmental entity having jurisdiction and are available from the Department upon request.
 - g. Roads deleted as established or designated parkways, historic, or scenic roads shall have all designation signing removed.

Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3).

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

R17-3-901. Signing for colleges and universities

- A.** Definitions.
1. "Community College" means a two-year college as described in A.R.S. § 15-1401.

2. "Major metro area" means an urban area with a population of 50,000 or more.
 3. "Manual on Uniform Traffic Control Devices (MUTCD)" means a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation, Federal Highway Administration and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.
 4. "Regionally accredited college or university" means a college or university accredited by a regional institutional accrediting association recognized by the Arizona State Board for Private Postsecondary Education.
 5. "Signing" means standard highway supplemental guide signs as specified in the MUTCD.
 6. "Trailblazing signs" means signs installed by a local governmental agency, off the state highway, to guide traffic to a college or university.
 7. "Trip" means a single or one-direction vehicle movement.
 8. "Trip rate" means number of trips per unit of related independent variable.
 - a. One student = 1.5 trips
 - b. One dorm bed = 3 trips
 9. "State University" means a university established and maintained by the Arizona Board of Regents pursuant to A.R.S. § 15-1601.
 10. "Urban area" means the territory contiguous to a municipality or other developed area with a population of 15,000 or more.
- B. Application for Signing.** An application for signing shall be submitted to the State Traffic Engineer, Arizona Department of Transportation. The application shall contain, as a minimum requirement, the following information:
1. Name of college or university,
 2. Complete street address,
 3. Name of agencies granting accreditation,
 4. Number of students,
 5. Number of dormitory beds,
 6. Signature of an individual authorized to sign for the college or university.
- C. Requirements.** To be considered for signing, a college or university shall satisfy the following:
1. Major metro area:
 - a. Generate 4000 trips per weekday.
 - b. Be located three miles or less from the state highway, except the distance may be increased 1/4 mile for each 10 percent increase in the required number of trips per weekday to a maximum of five miles.
 - c. Be a state university, a community college or a regionally accredited college or university.
 - d. Be located on the intersecting crossroad unless written confirmation is received from the applicable local governmental agency stating that the applicable local governmental agency shall install and maintain trailblazing signing. This written confirmation shall be received within 30 days from the date the application for signing is received by the Department of Transportation.
 2. Urban area requirements.
 - a. Generate 2000 trips per weekday.
 - b. Be located four miles or less from the state highway, except the distance may be increased 1/4 mile for each 10 percent increase in the required number of trips per weekday to a maximum of five miles.
 - c. Be a state university, a community college or a regionally accredited college or university.
 - d. Be located on the intersecting crossroad unless written confirmation is received from the applicable local governmental agency stating that the applicable local governmental agency shall install and maintain trailblazing signing.
- D. Exceptions to standards, engineering judgment required.** Supplemental guide signs may be placed on state highways to direct traffic to colleges and universities. The final decision to install or not to install signs for a specific college or university shall be based on the specific criteria and the provisions of the MUTCD.
- E. Nonconforming signs.** Signs which exist on the effective date of this rule shall be permitted to remain in place.

Historical Note

Adopted effective May 7, 1991 (Supp. 91-2).

R17-3-902. Logo Sign Program

- A. Definitions.** In this rule, unless the context otherwise requires:
1. "Calendar day" means any day shown on the calendar beginning at midnight extending for a 24-hour period and ending at midnight.
 2. "Contract" means the written agreement between the Department and the contractor setting forth the obligation of the parties thereunder.
 3. "Contractor" means a person or entity who contracts with the Department for the purpose of operating a logo sign program and is authorized to sign a lease agreement with a lessee to install, maintain, and administer specific service sign in accordance with these rules.
 4. "Department" means the Arizona Department of Transportation.
 5. "Director" means the Director of the Department of Transportation.
 6. "Exit gore" means the area immediately beyond the bifurcation of the through roadway and the exit ramp, bounded by the edges of these roadways.
 7. "Exit ramp" means an interconnecting roadway of a traffic interchange or any connection between highways at different levels on which vehicles may exit a designated roadway.
 8. "Freeway" means a divided arterial highway for through traffic with full control of access and with grade separations at major intersections.
 9. "Illegal outdoor advertising sign" means a sign which was erected or maintained or erected and maintained in violation of state law or R17-3-701 or in violation of both state law and R17-3-701.
 10. "Intersection" means the general area where two or more highways join or cross, within which are included the

roadway and roadside facilities for traffic movements in that area.

11. "Interstate highway" means the routes comprising the National System of Interstate and Defense Highways.
12. "Interstate logo sign program" means a program to install and maintain specific services information signs, also known as logo signs, on certain portions of the completed Interstate Highway System as provided in A.R.S. § 28-1875(A).
13. "Lease agreement" means the written contract between the contractor and the responsible operator.
14. "Lessee" means the owner or responsible operator of a motorist service business, or any person or entity who has authority to act on behalf of the owner or responsible operator who has signed a lease agreement for a logo sign.
15. "Logo sign" means a separately attached business sign mounted on a rectangular sign panel to show the brand, symbol, trademark, name, or combination of these, for a motorist service available on a crossroad near its intersection with an interstate highway or a rural state highway.
16. "Ramp terminal" means the general area where a ramp connects with another roadway.
17. "Responsible operator" means a person or entity who owns or operates a motorist service business, and who has authority to enter into agreements relevant to matters covered by these rules.
18. "Rural logo sign program" means a program to install and maintain specific services information signs, also known as logo signs, on any class of state highway, other than a segment of the Interstate Highway System, located outside of an urbanized area with a population of 100,000 or more persons as provided in A.R.S. § 28-1875(B).
19. "Rural state highway" means any class of state highway, other than a segment of the Interstate Highway System, located outside of an urbanized area with a population of 100,000 or more persons.
20. "Specific service sign" means a rectangular sign panel with:
 - a. The words "GAS", "FOOD", "LODGING", or "CAMPING";
 - b. Directional information; and
 - c. One or more logo signs.
21. "Traffic interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roadways or highways on different levels.
22. "Urbanized area" means an area as defined in A.R.S. § 28-1875(D).

B. Selection of responsible operator.

1. A responsible operator will be eligible for the placement of a logo sign if it meets the conditions as set forth in this subsection and subsections (C) and (D).
2. Each lessee identified on a specific service sign shall have furnished written and notarized certification to the Department, through the contractor, of its conformity with all applicable federal, state and local laws, ordinances, rules and regulations and shall not be in breach of that certification. Such certification shall be provided before the lease is approved.
3. Eligible responsible operators for logo signs shall be selected by a first-come, first-served rule until the maximum number of permissible logo signs is reached.
4. Eligible responsible operators which have been selected for logo signs shall be permitted to display their logos signs for the period covered by the lease agreement.

C. Location.

1. Logo signs are for use on interstate highways in areas which are rural in character and on rural state highways. Logo signs shall be excluded from urbanized areas which includes the following:
 - a. Phoenix:
 - I-10, Litchfield Road to Chandler Blvd.
 - I-17, Happy Valley Road to Jct. I-10
 - SR 51, I-10 to SR 101L
 - US 60, Dysart Road to Goldfield Road
 - SR 85, 191st Avenue to 7th Avenue
 - SR 87, Pinal County Line to West Bates Road
 - SR 88, SR 360 to Lost Dutchman Boulevard
 - SR 101L
 - SR 143
 - SR 202L
 - SR 303L
 - SR 360, I-10 to Ellsworth Road
 - b. Tucson:
 - I-10, Ina Road to Wilmot Road
 - I-19, Valencia Road to Jct. I-10
 - SR 86, Palo Verde Trail to US 89
 - US 89, Pima Mine Road to Milepost 79.5
 - c. Any other area with a population of 100,000 persons or more.
2. Sign sequence and spacing. In the direction of travel, successive specific service signs shall be in Appendix A and Appendix B unless physical conditions or terrain preclude compliance, in which event the Department may authorize sign sequences which meet the logo sign objectives and which do not create a threat to highway safety as determined by the Department.
3. Number of signs permitted. The number of specific service signs permitted shall be limited to one for each type of service along an approach to an intersection or interchange exit. Each specific service sign may have up to six logos. A maximum of two different types of services may be combined on the same sign.
4. The location of regulatory, warning and guide signs shall not be preempted by specific service signs.
5. Specific service signs shall not be located so as to obscure or detract from warning, regulatory and guide signs.
6. Specific service signs on rural state highways shall be located a minimum of 300 feet in advance of the intersection from which the services are available as determined on the basis of an engineering study.
7. The spacing between specific services signs on rural state highways shall be determined on the basis of an engineering study; however, the minimum spacing shall be 200 feet.
8. Logo signs shall not be displayed on rural state highways for services that are visible from a point on the highway 300 feet from the intersection or on an interstate exit ramp 300 feet from the ramp terminal.

D. Criteria for logo signing. Types of services:

1. Gas.
 - a. A gasoline service facility shall be located within three miles of an intersection or exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. A gasoline service facility shall provide the following:
 - i. Gasoline, oil, lubrication, and water for public purchase or use.

- ii. Restroom facilities and drinking water.
 - iii. Be in continuous operation at least 12 hours per day, seven days per week. However, facilities which are in continuous operation ten hours per day, five consecutive days per week may be considered for signing where no other facilities are within 15 miles of the intersection or freeway exit ramp. Where facilities with reduced operations are approved, the hours and days of operation shall be displayed on the face of the logo signs.
 - iv. A telephone available for use by the public 24 hours per day.
- c. Telephone.
- 2. Food. A restaurant or other food facility shall:
 - a. Be located within three miles of an intersection or exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. Be in continuous operation to serve three meals per day, seven days per week. However, facilities which are in continuous operation to serve three meals per day, five consecutive days per week will be considered for signing where no other facilities are within 15 miles. Where facilities with reduced operations are approved, the hours and days of operation shall be displayed on the face of the logo signs.
 - c. Provide minimum indoor seating capacity of 20.
 - d. Provide restroom facilities.
 - e. Provide a telephone available to the public during hours of operation.
- 3. Lodging. A facility providing lodging shall:
 - a. Be located within three miles of an intersection or exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. Provide five or more units of sleeping accommodations are available.
 - c. Provide a telephone for public use 24 hours a day.
- 4. Camping. A facility providing camping sites shall:
 - a. Be located within five miles of an intersection or exit ramp terminal; if a qualifying responsible operator does not exist within the first five miles, the distance may be extended in 5-mile increments until a maximum of 15 miles is reached.
 - b. Be accessible to and capable of handling all common types of travel trailers and recreational vehicles.
 - c. Be equipped to handle a minimum of 15 vehicles.
 - d. Be available the year around unless camping in the general area is of a seasonal nature in which case the facilities in question must be open to the public the entire season. The facilities must be open to the public 24 hours per day, seven days per week during this period.
 - e. Provide drinking water and sewer hook-up or dump station.
- E. Lease administration.
 - 1. There is an interstate logo sign program and a rural logo sign program; the Department may contract separately for each program.
 - 2. The Department shall approve the form and content of any lease agreement between the contractor and the responsible operator.
- 3. Before approving the lease agreement, the contractor shall review the responsible operator's qualifications for compliance with the criteria established in subsections (B), (C) and (D) and shall not approve the lease agreement if the criteria are not met.
- 4. Upon approval of the lease agreement, the contractor shall transmit the signed lease agreement to the lessee. The lessee shall deliver the logo sign to the contractor for installation, or contract with the contractor to fabricate the logo sign to the lessee's specifications.
- 5. Logo sign lease agreements shall be valid for a period not to exceed five full years, beginning on the first day of the month following the installation of the lessee's logo sign.
- 6. When a lessee meets the requirements established by subsections (B), (C) and (D) and the required fees have been paid, the contractor shall install the logo sign within 30 calendar days if the specific service sign has already been installed or within 120 calendar days of receipt of the logo sign if the specific service sign has yet to be installed.
- 7. The lessee or legal successor shall have the right during the term of the agreement to change the advertising copy so long as the copy conforms to this rule. Cost of such changes in the copy or legend of the logo sign shall be at the expense of the lessee. The lessee may be charged an additional fee for each sign removed and remounted by the contractor at the request of the lessee.
- 8. For businesses operated on a seasonal basis, logo signs shall be covered or removed during the off season. This work shall be done by the contractor. An additional fee shall be paid for this work. It shall be the responsibility of the lessee to notify the contractor of the dates of nonavailability of a motorist service 30 calendar days prior to closure or nonavailability of services.
- 9. Upon expiration of the logo sign lease agreement and failure to renew the agreement prior to expiration, the contractor shall remove the logo sign and shall inform the lessee in writing by certified U.S. mail how to obtain possession of the logo sign.
- 10. When it is determined by the Department or the contractor that a previously qualified lessee becomes subsequently ineligible for logo signs under this rule, or a motorist service is no longer available, the contractor shall notify the lessee by certified U.S. mail that its logo sign is to be removed and the reasons for the removal. The lessee shall have ten calendar days to provide information in support of the continued display of the logo sign. If the lessee fails to reply within ten calendar days the contractor shall remove the logo sign within 20 calendar days of the original notice to the lessee.
- 11. If for reasons caused by the Department or the contractor the lessee's logo sign is not erected, the fee shall be returned.
- F. Elimination from the logo sign program. The logo sign of a lessee shall be removed from a specific service sign if the following circumstances occur:
 - 1. The maximum number of responsible operators have signed lease agreements to display logo signs on the same specific service sign and are closer to the interchange or the intersection than the lessee's business; and
 - 2. At least one year has elapsed since the lessee's logo sign was installed; or
 - 2. The lessee's initial lease has expired.
- G. Sign panels, supports, and materials. All sign panels, supports, and materials shall conform to the Department design standards and specifications as provided in the contract.

H. Termination of the logo signing program. If the logo sign program is terminated, or the boundaries of an urbanized area, as identified in a subsequent decennial census, are relocated resulting in the circumstance where an intersection is no longer eligible for the rural logo sign program, the following actions shall be taken:

1. Each lessee shall be notified by certified U.S. mail of the termination and the location where they may claim their logo sign.
2. The specific service sign panels and supports shall be removed.
3. Fees shall be refunded on a pro rated basis.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).
Amended effective April 10, 1987 (Supp. 87-2). Former Section R17-3-911 renumbered without change as Section R17-3-909 (Supp. 88-4). Former Sections R17-3-902 through R17-3-909 renumbered without change as Section R17-3-902 (Supp. 89-1). Amended effective May 3, 1993 (Supp. 93-2).

R17-3-903. Selection of responsible operator

- A.** A responsible operator will be eligible for the placement of a LOGO sign if it meets the conditions as set forth in this rule and rules R17-3-904 and R17-3-905.
- B.** Each lessee identified on a specific service sign shall have furnished written and notarized certification to the Department, through the contractor, of its conformity with all applicable federal, state and local laws, ordinances, rules and regulations, and shall not be in breach of that certification. Such certification shall be provided before the lease is approved.
- C.** Eligible responsible operators for LOGO signs shall be selected by a first come, first serve rule until the maximum number of permissible LOGO signs is reached.
- D.** Eligible responsible operators which have been selected for LOGO signs will be permitted to display their LOGOS for the period covered by the lease agreement.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).
Amended effective April 10, 1987 (Supp. 87-2).

R17-3-904. Location

- A.** Signs intended for areas rural in character. Specific service signs are intended for use on interstate highways in areas which are rural in character where traffic interchanges are normally spaced a minimum of two miles apart. LOGO signing shall be excluded from the Phoenix and Tucson metropolitan areas as follows:

Phoenix: I-10, Litchfield Road to Chandler Blvd.

I-17, Happy Valley Road to Jct. I-10

Tucson: I-10, Ina Road to Wilmot Road

I-19, Valencia Road to Jct. I-10

Additional areas of exclusion may be identified in the contract by mutual agreement.

- B.** Sign sequence and spacing. In the direction of travel, successive specific service signs shall be "CAMPING", "LODGING", "FOOD", and "GAS" in that order. The spacing shall be as shown in Appendix A or as directed by the Department. (See Appendix A following this rule.)
- C.** Number of signs permitted. The number of specific service signs permitted shall be limited to one for each type of service along an approach to an interchange exit, i.e., GAS, FOOD, LODGING, and CAMPING.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).
Amended effective April 10, 1987 (Supp. 87-2).

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2). Amended effective April 10, 1987 (Supp. 87-2).

Historical Note

Adopted effective May 3, 1993 (Supp. 93-2).

R17-3-905. Criteria for LOGO signing

Types of services:

1. "Gas."
 - a. Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. Gasoline, oil, lubrication, and water are available.
 - c. Restroom facilities and drinking water.
 - d. Continuous operation at least 12 hours per day, seven days per week.
 - e. Telephone.
2. "Food."
 - a. Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. Continuous operation to serve three meals per day, seven days per week.
 - c. Minimum indoor seating capacity of 20.
 - d. Restroom facilities.
 - e. Telephone.
3. "Lodging."
 - a. Located within three miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first three miles, the distance may be extended in 3-mile increments until a maximum of 15 miles is reached.
 - b. Five or more units of sleeping accommodations are available.
 - c. Telephone.
4. "Camping"
 - a. Located within five miles of freeway exit ramp terminal; if a qualifying responsible operator does not exist within the first five miles, the distance may be extended in 5-mile increments until a maximum of 15 miles is reached.
 - b. Be accessible to and capable of handling all common types of travel trailers and recreational vehicles.
 - c. Be equipped to handle a minimum of 15 vehicles.
 - d. Be available the year around unless camping in the general area is of a seasonal nature in which case the facilities in question must be open to the public the entire season. The facilities must be open to the public 24 hours per day, seven days per week during this period.
 - e. Sanitary facilities and drinking water shall be available.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).

Amended effective April 10, 1987 (Supp. 87-2).

R17-3-906. Lease administration

- A. The responsible operator shall sign a lease agreement with the contractor on a form approved by the Department.
- B. Before approving the lease agreement the contractor shall review the responsible operator's qualifications for compliance with the criteria established in rules R17-3-903, R17-3-904, R17-3-905 and shall not approve the lease agreement if the criteria are not met.
- C. Upon approval of the lease agreement, the contractor shall transmit the signed lease agreement to the lessee. The lessee shall deliver the LOGO to the contractor for installation, or

contract with the contractor to fabricate the LOGO to the lessee's specifications.

- D. LOGO sign lease agreements shall be valid for a period not to exceed five full years, beginning on the first day of the month following the installation of the lessee's LOGO sign.
- E. When a lessee meets the requirements established by rules R17-3-903, R17-3-904 and R17-3-905 and the required fees have been paid, the contractor shall install the LOGO within 30 calendar days if the specific service sign has already been installed or within 120 calendar days of receipt of the LOGO if the specific service sign has yet to be installed.
- F. The lessee or his legal successor shall have the right during the term of the agreement to change the advertising copy so long as the copy conforms to these rules. Cost of such changes in the copy or legend of the LOGO sign shall be at the expense of the lessee. The lessee may be charged an additional fee for each sign removed and remounted by the contractor at the request of the lessee.
- G. For businesses operated on a seasonal basis, LOGO signs shall be covered or removed during the off season. This work shall be done by the contractor. An additional fee shall be paid for this work. It shall be the responsibility of the lessee to notify the contractor of the dates of nonavailability of a motorist service 30 calendar days prior to closure or nonavailability of services.
- H. Upon expiration of the LOGO sign lease agreement and failure to renew the agreement prior to expiration, the contractor shall remove the LOGO sign and shall inform the lessee in writing by certified U.S. mail how to obtain possession of the LOGO sign.
- I. When it is determined by the Department or the contractor that a previously qualified lessee becomes subsequently ineligible for LOGO signs under these rules, or a motorist service is no longer available, the contractor shall notify the lessee by certified U.S. mail that its LOGO sign is to be removed and the reasons for the removal. The lessee shall have ten calendar days to provide information in support of the continued display of the LOGO sign. If the lessee fails to reply within ten calendar days the contractor shall remove the LOGO sign within 20 calendar days of the original notice to the lessee.
- J. If for reasons caused by the Department or the contractor the lessee's LOGO sign is not erected, the fee will be returned.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).

Amended effective April 10, 1987 (Supp. 87-2).

R17-3-907. Elimination from the LOGO Signing Program

The LOGO sign of a lessee shall be removed from a specific service sign if the following circumstances occur:

1. The maximum number of responsible operators have signed lease agreements to display LOGO signs on the same specific service sign, and are closer to the interchange than the lessee's business, and
2. The lessee's initial lease has expired, and
3. At least one year has elapsed since the lessee's LOGO sign was installed.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2). Former Section R17-3-907 repealed and a new Section R17-3-907 adopted effective June 18, 1987 (Supp. 87-2).

R17-3-908. Sign panels, supports, and materials

All sign panels, supports, and materials shall conform to the Department design standards and specifications as provided in the contract.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2). Former Section R17-3-908 repealed and a new Section R17-3-908 adopted effective April 10, 1987 (Supp. 87-2).

R17-3-909. Termination of the LOGO signing program

If the LOGO Signing Program is terminated, the following actions shall be taken:

1. Each lessee shall be notified by certified U.S. mail of the termination and the location where they may claim their LOGO sign.

2. The specific service sign panels and supports shall be removed.
3. Fees shall be refunded on a pro rated basis.

Historical Note

Adopted effective March 22, 1985 (Supp. 85-2). Amended effective April 10, 1987 (Supp. 87-2). Former Section R17-3-911 renumbered without change as Section R17-3-909 (Supp. 88-4).

TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

(Authority: A.R.S. §§ 28-108, 28-202 et seq.)

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ARTICLE 2. TITLES AND REGISTRATION

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R17-4-204.	Certificate of Title
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R17-4-206.	Title sign-off by owner must be witnessed
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R17-4-222.	Nonresident daily commuter fee
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R17-4-229.	Reserved
R17-4-230.	Filing liens and encumbrances
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R17-4-237.	Manufacturer's statements of origin - assignment on transfer by licensed dealers
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R17-4-245.	Dealer Acquisition Contract
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R17-4-247.	Reserved
R17-4-248.	Reserved
R17-4-249.	Reserved
R17-4-250.	1974 reflectorized stickers on 1973 license plates
R17-4-251.	Annual renewal of horseless carriage license plate or a classic car license plate - \$5.00 January 1, 1974
R17-4-252.	State-owned vehicle - 5 year plate validity
R17-4-253.	Reserved
R17-4-254.	Reserved
R17-4-255.	Reserved
R17-4-256.	Reserved
R17-4-257.	Reserved
R17-4-258.	Reserved
R17-4-259.	Reserved
R17-4-260.	Motor vehicle repossession procedures
R17-4-261.	Reserved
R17-4-262.	Reserved
R17-4-263.	Reserved
R17-4-264.	Reserved
R17-4-265.	Minimum value for vehicles for the purpose of the vehicle transfer tax

ARTICLE 3. TRANSFERRED

Article 3, consisting of Sections R17-4-301 through R17-4-349, transferred to Title 17, Chapter 1, Article 3, Sections R17-1-301 through R17-1-349 (Supp. 92-4).

ARTICLE 4. MOTOR CARRIERS

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 R17-4-435. Motor Carrier Safety: Adoption of Federal Regulations; Definitions; Application
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 R17-4-435.02. Motor Carrier Safety: 49 CFR 391- Qualifications of Drivers
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 R17-4-443. Reserved
 R17-4-444. Repealed
 R17-4-445. Motor Carrier Financial Responsibility
 R17-4-446. Form E; procedures for preparing, filing and canceling liability insurance
 R17-4-447. Certificate of Insurance; procedures for preparing, filing and canceling liability insurance
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- R17-4-506. Driver license point system
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 R17-4-506. Driver License Point System

- R17-4-507. Driver's license identification number
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- R17-4-509. Repealed
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Section

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- R17-4-709. Ignition Interlock Device Certification; Reliability and Accuracy Assurance

EMERGENCY NEW SECTION

- Appendix A. Arizona Ignition Interlock Installation Verification

EMERGENCY NEW SECTION

- Appendix B. Arizona Ignition Interlock Accuracy Check

EMERGENCY NEW SECTION

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- R17-4-803. Reserved
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- R17-4-805. Third-party tester/Contract agent
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ARTICLE 1. RESERVED

ARTICLE 2. TITLES AND REGISTRATION

R17-4-201. Reserved

R17-4-202. Reserved

R17-4-203. Reserved

R17-4-204. Certificate of Title

- A.** Security features -- Certificate of Title will be printed on paper utilizing security features which hinder counterfeiting or alteration.
- B.** Contents of certificate -- The State of Arizona, Motor Vehicle Division, Certificate of Title shall contain space for the following information:
 1. Title information -- title number, issue date, title control number, previous title number, state of previous title and date, month and year first registered and type of title being issued.
 2. Vehicle information -- type, status, vehicle identification number, model year, make, body style, model, fuel type, odometer code, month and year of manufacture, factory list price, previous vehicle mechanical or structural condition and gross vehicle weight.
 3. Lienholder information -- names and addresses of all lienholders.
 4. Vehicle owner information -- name and street address of owner(s).
 5. Mailing information -- name and mailing address of owner or owner's legal designee.
 6. Ownership change information -- date of sale, name and address of purchaser, new lienholder information, odometer statement, signature of seller, notary statement, and dealer reassignment information.

Historical Note

Adopted effective November 10, 1986 (Supp. 86-6).
Former Section R17-4-75 renumbered without change as
Section R17-4-204 (Supp. 87-2).

R17-4-205. Application for Arizona Certificate of Title and Registration

- A.** The application for Arizona Certificate of Title and Registration shall contain space for the following:
 1. Vehicle information -- title number, license number, tab number and year of tab number, tab expiration date, the month and year first registered, make, year, body style, model, status, list price, gross vehicle weight, fuel type, Motor Vehicle Division Tax Account Number, Division index number, vehicle identification number, odometer reading, previous title number, state of previous title, previous title date, whether the vehicle was acquired new or used, name and address of person from whom procured, whether vehicle will be rented without a driver and whether the vehicle is specially constructed or reconstructed.
 2. Applicant information -- first, middle and last name, legal status of ownership, date of birth, driver's license or federal identification number, current street address, city, county, state, zip code number, and whether applicant's registration rights are under suspension.
 3. Lienholder information -- name and address of all lienholders, amount of each lien and date of each lien.
 4. Mobile home information -- name of mobile home manufacturer, site of physical location of mobile home.
 5. Motor Vehicle Division information -- information needed for in-house agency use.
 6. Joint tenancy information -- whether the applicants intend to hold the title as joint tenants with rights of survivorship.
 7. Duplicate title information -- whether the original title was lost, destroyed, mutilated or has become illegible and certifying that the title has not been assigned or surrendered.
 8. Certification -- applicant certification that applicant is the owner of the vehicle, has listed all liens and encumbrances and acknowledges the odometer reading as qualified by the seller and has met mandatory insurance requirements.
 9. Signature and verification -- signatures of applicants and a notary public or Motor Vehicle Division agent.
 10. Joint ownership instructions -- printed information defining joint ownership conditions shown by "or" -- "and" -- "and/or".
 11. Odometer -- printed information explaining odometer reading codes.
- B.** Except as provided for in subsection (C), no Application for Arizona Certificate of Title and Registration will be processed and no certificate of title or registration will be issued unless all information required on the application has been provided by the applicant.
- C.** The applicant may provide the following information on a voluntary basis:
 1. Applicant's date of birth.
 2. Applicant's driver's license number.
 3. Applicant's federal employer identification number, if the applicant is an organization taking title as a sole proprietor partnership, corporation or other legal entity.

Historical Note

Adopted effective November 13, 1986 (Supp. 86-6).
Former Section R17-4-75 renumbered without change as
Section R17-4-205 (Supp. 87-2).

R17-4-206. Title sign-off by owner must be witnessed

Requiring a verification by owner when transferring title to a motor vehicle.

1. Section 66-211, A.C.A. 139 as amended, relating to transfer of Title, reads in part and provides that the owner "shall also endorse on the back of the Certificate of Title to such vehicle, if issued, any assignment thereof, with the warranty of Title in the form printed thereon, and shall deliver the same to the purchaser or transferee at the time of delivery to him of such motor vehicle, except as provided in section 1640a".
2. It is of prime importance that the purchaser or transferee, referred to in the above quoted section, have assurance of the genuineness of the assignment and warranty.
3. Section 66-201, A.C.A. 1939 as amended, reads in part, "The Superintendent shall prescribe rules for carrying out the provisions of the Act".
4. To afford the purchaser or transferee of some assurance of the genuineness of the assignment and warranty, it is ordered that when the owner of a registered vehicle transfers or assigns his Title or interest thereto the signature of such assignment on the back of Title to such vehicle shall be acknowledged before a Notary Public or an agent of the Motor Vehicle Division who has been designated by the Superintendent has having the power to administer oaths and acknowledge signatures.

Historical Note

Former Rule, General Order 55. Former Section R17-4-19 renumbered without change as Section R17-4-206 (Supp. 87-2).

R17-4-207. Vehicle titles - joint ownership rules

Rules prescribing method of indicating type of ownership to a motor vehicle.

1. The Motor Vehicle Division receives application for certificates of title to vehicles with the ownership being in more than one name, and
2. The application and title form do not have sufficient space on which may be indicated at length the nature of the tenancy, and
3. It is desirable that there be a uniform and brief method of indicating on the certificate the nature of the tenancy.
4. That when the ownership of a vehicle is to be in more than one name, the application for the certificate of title must indicate in the owner's name section the nature of the tenancy by use of one of the three methods given below.
5. That the vehicle division will transfer the ownership of a vehicle or encumber the same when there is more than one owner, only upon compliance with the requirements set forth below in connection with the method under which the title has been issued.
 - a. Where ownership is a joint tenancy with right of survivorship, the owner's name on the title shall be shown as follows:
 John Doe and/or Joe Roe
 To transfer ownership of the vehicle or to encumber the vehicle, signatures of the two parties will be required if both are living. Upon satisfactory proof of the death of either party, the living party may transfer ownership of the vehicle by his or her signature alone.
 - b. Where ownership is a tenancy in common, the owner's name on the title shall be shown as follows:
 John Doe and Joe Roe
 To transfer ownership of the vehicle or to encumber the vehicle, signature of the two parties will be required. In the event of the death of either party the

interest of the deceased party must be handled through probate proceedings.

- c. Where the ownership is a joint tenancy, with an expressed intent that either of the owners have full authority to transfer ownership of the vehicle or to encumber the same, the owner's name on the title will be shown as follows:

John Doe or Joe Roe

As a condition of issuing a title showing the ownership as just indicated above, the two owners will be required to sign a form to be furnished by the department, such document to authorize their party to transfer or encumber the vehicle by his or her signature alone.

Historical Note

Former Rule, General Order 62. Former Section R17-4-24 renumbered without change as Section R17-4-207 (Supp. 87-2).

R17-4-208. Mobile home - dual units as separate vehicles

When a series of mobile home units are placed side by side to comprise one home for human occupancy, for the purpose of obtaining a certificate of title and registration for the mobile home units under Arizona Revised Statutes, Title 28, Chapter 3, Article 1, each mobile home unit of the series comprising one home for human occupancy shall be considered a separate mobile home.

Historical Note

Former Rule, General Order 83. Former Section R17-4-35 renumbered without change as Section R17-4-208 (Supp. 87-2).

R17-4-209. Additional titling standards for vehicles not manufactured in compliance with United States Safety and Emission Standards

A. Definitions

1. "DOT" means the United States Department of Transportation.
2. "EPA" means the Environmental Protection Agency of the United States.
3. "NHTSA" means the National Highway Traffic Safety Administration.
4. "U.S. Customs" means the United States Treasury Department, Customs Service.

B. Documentation requirements for proof of compliance. The following documents and proofs of compliance shall be presented to the Motor Vehicle Division.

1. A copy of the letter of release from the Department of Transportation, National Highway Traffic Safety Administration, to the District Director of U.S. Customs, which states that the vehicle is in compliance with the equipment standards of NHTSA, and
2. A copy of the letter of release from the Environmental Protection Agency to U.S. Customs which states that the vehicle is in conformity with federal emission equipment standards and a copy of the Arizona Motor Vehicle Emission Test Report form shall be included unless the vehicle qualifies for exemption from EPA and/or the Arizona Motor Vehicle Emission Test, or
3. Other written documentation from NHTSA and EPA which states that the vehicle was previously determined to be in compliance with the standards of those agencies.

Historical Note


Adopted as Section R17-4-81 and renumbered as Section R17-4-209 effective May 29, 1987 (Supp. 87-2).

R17-4-210. Declaration of Sale Form; Fee for Form**A. Definitions.**

1. "Declaration of Sale Form" means the Motor Vehicle Division form required by A.R.S. § 28-1256.01.
2. "Users" means those motor vehicle dealers and financial institutions licensed to transact business in Arizona who apply for title and registration on behalf of a buyer.

B. The attached Declaration of Sale Form (Appendix A) is adopted as the form required by A.R.S. § 28-1256.01.**C.** Fee. Users shall pay a fee of 25¢ per Declaration of Sale Form to the Motor Vehicle Division.**D.** The Declaration of Sale Form is available at all Motor Vehicle Division offices statewide.

APPENDIX A
DECLARATION OF SALE FORM

ARIZONA DECLARATION OF SALE	
DEALER/INSTITUTION NAME-ADDRESS	
	
PURCHASER ADDRESS	
PURCHASER (Last, First, Middle)	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
ADOT CODE	POLICY PREFERENCE
<div style="border: 1px solid black; padding: 2px; text-align: center;">0001</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">DECLARATION</div>
DATE OF PURCHASE	VEHICLE MAKE
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
MODEL YEAR	VIN
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<div style="border: 1px solid black; padding: 2px;">NO.</div>	
<div style="border-top: 1px dashed black; margin-bottom: 10px;"></div> <h2 style="margin: 0;">ARIZONA DECLARATION OF SALE</h2> <p style="margin: 10px 0 0 0;">INFORMATION IN SHADED AREA MUST BE TYPEWRITTEN OR COMPUTER PRINTED USING 10 PITCH.</p> <p style="margin: 10px 0 0 0;">"PURCHASER" SHOULD BE FIRST OWNER LISTED ON REGISTRATION APPLICATION.</p> <p style="margin: 20px 0 0 0;">The original of this form must be submitted with applications for title and registration for all vehicles sold by authorized dealers or paperwork processed by a financial institution.</p> <p style="margin: 10px 0 0 0;">Failure to submit this form will result in denial of registration.</p> <div style="border-top: 1px dashed black; margin-top: 20px;"></div> <p style="margin: 10px 0 0 0;">40-0210 12/91</p>	

Historical Note

Adopted effective July 30, 1992 (Supp. 92-3).

R17-4-211. Reserved**R17-4-212. Reserved****R17-4-213. Reserved****R17-4-214. Reserved****R17-4-215. Reserved****R17-4-216. Staggered Registration for Apportioned Commercial Vehicles****A.** Definitions. In this Section, unless the context otherwise requires:

1. "Apportioned commercial vehicle" means a commercial vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
2. "Commercial vehicle" has the same meaning as in A.R.S. § 28-2231.
3. "Director" means the Assistant Director for the Motor Vehicle Division of the Arizona Department of Transportation or the Assistant Director's designee.
4. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
5. "Expiration date" means the last day of the month and year in which a vehicle registration expires.
6. "Fleet" means 1 or more apportioned commercial vehicles.
7. "Registration period" means the time-frame during which a vehicle registration is valid.

B. Beginning on the effective date of this rule, the Division shall give the owner of a previously registered fleet the opportunity to select 1 of the following 4 registration periods and associated expiration dates for the fleet. The registration period and expiration date shall be mutually agreed to by the fleet owner and the Director. The registration periods are:

1. Register for January 1998 to March 1998; then register again for April 1998 to March 1999; and register each March thereafter.
2. Register for January 1998 to June 1998; then register again for July 1998 to June 1999; and register each June thereafter.
3. Register for January 1998 to September 1998; then register again for October 1998 to September 1999; and register each September thereafter.
4. Register for January 1998 to December 1998; then register again for January 1999 to December 1999; and register each December thereafter.

C. An owner shall ensure that all vehicles within a fleet have the same registration period.**D.** The owner of an apportioned commercial vehicle shall ensure that the vehicle is not operated with an expired vehicle registration. The Division shall not provide a grace period for late registration or late payment of fees.**E.** The Division shall assign a registration period to a newly registered fleet. The expiration date for the assigned registration period shall be the last day of the furthest calendar quarter, not exceeding 12 months, from the date of the initial registration.**F.** If an owner replaces a vehicle within a fleet, the Division shall credit the registration fee paid on the replaced vehicle towards the amount of the registration fee required on the replacement vehicle. The Division shall not refund any excess credit of registration fees.**G.** If an owner transfers a vehicle between fleets, the Division shall credit the registration fee paid upon the original fleet registration period towards the amount of the registration fee required based upon the registration period of the new fleet. The Division shall not refund any excess credit of registration fees.**H.** An owner shall maintain the registration period selected or assigned for at least 3 consecutive registrations.**Historical Note**

Adopted effective October 21, 1997 (Supp. 97-4).

R17-4-217. Biennial Registration**A.** Definitions. In this Section, unless the context otherwise requires:

1. "Alternative Form of Registration" means allocated registration, apportioned registration, interstate registration, and undersized mobile home plate registration.
2. "Biennial" means once in every 2-year period.
3. "Director" means the Assistant Director of the Arizona Department of Transportation, Motor Vehicle Division, or a designee of the Assistant Director.
4. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
5. "IM 240 Test" means the emissions test prescribed by A.R.S. § 49-542(F)(2)(a).
6. "Nonqualified Vehicle" means a vehicle with an alternative form of registration, a vehicle required to have an annual emissions test, or a vehicle required to have an IM 240 test within 12 months from the date of registration.
7. "Qualified Vehicle" means a vehicle that does not have an alternative form of registration and is either exempt from emissions testing or is required to have the IM 240 test for the upcoming registration year before its registration may be established or renewed.
8. "Registration" means the authorization issued by the Division that allows a vehicle to use state highways.

B. Biennial registration.

1. Any vehicle not otherwise disqualified may be registered biennially.
2. Beginning August 5, 1997, a qualified vehicle with a vehicle license tax for the current year equal to or less than \$75 will automatically be selected for biennial registration unless the owner chooses to register the vehicle annually. Beginning August 5 of each succeeding year through 2001, the Division shall increase by \$25 the amount of vehicle license tax that causes a qualified vehicle to be selected automatically for biennial registration.
3. A newly licensed or newly leased vehicle will automatically be selected for biennial registration, unless the owner chooses to register the vehicle annually.

C. The owner of a vehicle that meets 1 of the following criteria shall not have the option of registering the vehicle biennially:

1. A vehicle required to have an IM 240 test within 12 months after the date of registration.
2. A vehicle that requires an annual emissions test.
3. A vehicle with an allocated registration.
4. A vehicle with an apportioned registration.
5. A vehicle with an interstate registration.
6. A vehicle with an undersized mobile home plate registration.
7. A vehicle with a registration exemption that is required to be certified annually, such as the exemption available to widows, widowers, and totally disabled persons other than totally disabled veterans.

Historical Note

Adopted effective September 12, 1997 (Supp. 97-3).

R17-4-218. Staggered Registration for Included Vehicles**A.** Definitions. In this Section, unless the context otherwise requires:

1. "Day" means the 24-hour period from midnight to midnight.

2. "Drop box" means a receptacle designated by the Motor Vehicle Division into which a person places vehicle registration forms and fees and from which the Motor Vehicle Division daily retrieves these items.
 3. "Effective date of registration" means the date the vehicle 1st becomes subject to registration fees in Arizona.
 4. "Electronic delivery" means a 3rd-party electronic delivery provider's transmission of registration information and credit card information by computer to the Motor Vehicle Division.
 5. "Included vehicle" means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration implemented by this Section.
 6. "Initial registration" means the 1st registration of an included vehicle in Arizona.
 7. "Registration fees" means the fees due at the time of registration and consisting of the general registration fee imposed by A.R.S. § 28-2003, the vehicle license tax imposed by A.R.S. § 28-5801, and the commercial registration fee and gross weight fee imposed by A.R.S. § 28-5433.
 8. "Registration period" means the time-frame during which a vehicle registration is valid.
 9. "Regular business day" means a day other than a Saturday, Sunday, or holiday.
 10. "Renewal registration" means the 2nd and subsequent registrations of an included vehicle.
 11. "3rd-party electronic delivery provider" means an entity that receives vehicle registration information and credit card information from a person by computer or telephone, transmits the information to the Motor Vehicle Division by computer, and charges and collects a service fee from the person.
 12. "3rd-party provider of registration functions" means an entity authorized by A.R.S. Title 28, Chapter 13, Article 1 to process a vehicle registration for a person and to charge and collect a service fee.
- B.** The staggered registration implemented by this Section excludes the following vehicles:
1. A vehicle exempt from registration;
 2. A vehicle subject to any of the following types of registration:
 - a. Allocated registration in accordance with A.R.S. § 28-2261,
 - b. Apportioned registration in accordance with A.R.S. § 28-2261,
 - c. Fleet registration in accordance with A.R.S. § 28-2202, or
 - d. Interstate registration in accordance with A.R.S. § 28-2052;
 3. A vehicle subject to a 1-time registration fee;
 4. A government vehicle, a vehicle owned by an official representative of a foreign government, or an emergency vehicle owned by a nonprofit organization as provided by A.R.S. § 28-2511(A);
 5. A noncommercial trailer that is not a travel trailer as defined by A.R.S. § 28-2003(B) and is less than 6000 pounds gross vehicle weight in accordance with A.R.S. §§ 28-2003(A)(7) and 28-5801(C);
 6. A moped; and
 7. A vehicle operated solely in seasonal agricultural work and subject to a reduced gross weight fee in accordance with A.R.S. § 28-5436.
- C.** The initial registration of an included vehicle with an effective date of registration before January 1, 1999, shall expire as follows:
1. If a vehicle weighs 8001 pounds or more and is subject to the gross weight fee:
 - a. Annual registration expires on the last day of December the year the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of December the year after the vehicle is subject to Arizona registration;
 2. If a vehicle weighs less than 8001 pounds and is subject to the gross weight fee:
 - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration; or
 3. If a vehicle is not subject to the gross weight fee:
 - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.
 4. Proration of registration fees shall be in accordance with A.R.S. §§ 28-2159, 28-5807, and 28-5434.
- D.** Regardless of weight, the initial registration of an included vehicle with an effective date of registration after December 31, 1998, shall expire as follows:
1. If a vehicle has an effective date of registration from the 1st day through the 15th day of the month:
 - a. Annual registration expires on the 15th day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the 15th day of the month 24 months from the month the vehicle is subject to Arizona registration; or
 2. If a vehicle has an effective date of registration from the 16th day through the last day of the month:
 - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.
- E.** Regardless of the effective date of initial registration, the renewal registration of an included vehicle shall expire as follows:
1. Annual registration expires 12 months from the expiration of the previous registration period; or
 2. Biennial registration expires 24 months from the expiration of the previous registration period.
- F.** The initial registration or renewal registration of an included vehicle shall contain the following items:
1. If a person physically submits the registration to the Motor Vehicle Division or a 3rd-party provider of registration functions:
 - a. The application for registration or registration card, and
 - b. Payment of registration fees; or
 2. If a person electronically submits the registration of an included vehicle to a 3rd-party electronic delivery provider:
 - a. Required registration information, and

- b. Credit card information.
- G.** A person shall submit the renewal registration of an included vehicle not later than the day the prior registration period expires. If the prior registration period expires on other than a regular business day, a person shall submit the renewal registration of an included vehicle not later than the 1st regular business day after the prior registration period expires.
- H.** The penalties imposed by A.R.S. § 28-2162 for delinquent renewal registration of an included vehicle shall apply when either of the following occurs:
1. A person does not submit to the Motor Vehicle Division or a 3rd-party provider of registration functions the items set forth at subsection (F)(1) so that the items are received by the due date; or
 2. A person does not electronically submit to a 3rd-party electronic delivery provider the items set forth at subsection (F)(2) so that the items are received by the due date.
- I.** The date of receipt of the items set forth at subsection (F)(1) or (2) shall be the following:
1. The date a person presents in person the items set forth at subsection (F)(1) to a Motor Vehicle Division facility or the facility of a 3rd-party provider of registration functions;
 2. The date of the United States Postal Service postmark stamped on the envelope containing the items set forth at subsection (F)(1);
 3. The date, as indicated on the shipping package, a private express mail carrier receives the package containing the items set forth at subsection (F)(1);
 4. The date of the last regular business day before the day the Motor Vehicle Division retrieves from a designated Motor Vehicle Division drop box the items set forth at subsection (F)(1); or
 5. The date a 3rd-party electronic delivery provider receives by computer or telephone the items set forth at subsection (F)(2), unless the vehicle is not in compliance with the motor vehicle emissions testing requirements.
- J.** The Motor Vehicle Division shall process renewal registrations presented in person at a Motor Vehicle Division facility only in accordance with A.R.S. § 28-2160.
- K.** The Motor Vehicle Division or 3rd-party provider of registration functions shall assign and issue a number plate or plates to an included vehicle as evidence of registration.
1. The number plate or plates shall be attached and displayed on the assigned vehicle.
 2. Improper number plate display shall subject the owner and operator of the vehicle to the sanctions imposed by A.R.S. §§ 28-2531(B) and 28-2532.
 3. Any registration tabs or stickers issued by the Motor Vehicle Division or 3rd-party provider of registration functions shall be displayed on the appropriate number plate of the assigned vehicle.
- COPY of the Temporary Registration Plate. (Size of numbers must be at least 1" in height, and 1/4" in width.)
3. Moisten and apply the WHITE COPY to the vehicle per schedule shown:
 - a. Standard Passenger Cars and Trucks - Right corner of rear window.
 - b. Convertibles - Left rear side window.
 - c. Station Wagons - Left rear side window.
 - d. Motorcycles - To be displayed at rear of vehicle.
 - e. Boat, Horse, Luggage Trailers - To be displayed at rear of vehicle.
 - f. House or Camp Trailers - Right corner of rear window. (If no rear window, the left rear side window.)
 4. Attach GREEN and YELLOW copies of the Temporary Registration Plate to the necessary title documents to be submitted with transmittal and proper fees to the County Assessor's office. ALL TITLE APPLICATIONS ACCOMPANIED BY THE GREEN AND YELLOW COPIES OF THE TEMPORARY REGISTRATION PLATE TO BE SUBMITTED TO THE COUNTY ASSESSOR NO LATER THAN TEN (10) DAYS AFTER THE DATE OF ISSUANCE.
 5. PINK copy of the Temporary Registration Plate to be retained by the issuing dealer for a period of three years.
 6. For the purposes of A.R.S. § 28-1315 and its requirement that each dealer notify the Division on the day a Temporary Registration Plate is issued, the transmittal and audit form shall serve as a copy of the Temporary Registration Plate if it contains the name of the purchaser, the Temporary Registration Plate number, the date of issuance and the year, make and identification number of the motor vehicle. Such transmittal and audit form shall be forwarded to Dealer Service, Motor Vehicle Division each day listing all Temporary Registration Plates issued for that day; provided that any such transmittal covering Temporary Registration Plates which are issued on Friday, Saturday or Sunday or legal holiday which are postmarked the next regular business day shall be considered to have been sent the same day it was issued.
 7. The transmittal and audit form (AHD48-519 R-5-68) referred to in the above paragraph may be modified for the dealer's convenience to permit him to comply with subparagraph (a) of these instructions.
 - a. Complete THREE (3) copies of the TRANSMITTAL AND AUDIT FORM (AHD48-519 R5-58), filling in all information. Submit the original with the title documents to the County Assessor, forward ONE copy to the Dealer Service, Motor Vehicle Division, the same day as the original is submitted to the County Assessor. Retain the third (3) copy for the dealer's own records.

B. Incomplete temporary registration plates

1. New vehicles
 - a. When a Temporary Registration Plate has been written for a new vehicle on a Manufacturer's Statement of Origin, and the sale is not completed, the GREEN copy is to be attached to the Manufacturers Statement of Origin, and the WHITE and YELLOW copies are to be forwarded immediately to the Dealer Service, Motor Vehicle Division, marked ROLL BACK, VEHICLE IN STOCK.
 - b. When the vehicle is eventually sold and the deal completed, attach the GREEN copy of the original Temporary Registration Plate with the GREEN and YELLOW copies of the second Temporary Registration Plate issued on the same vehicle and submit

Historical Note

Amended effective April 21, 1980 (Supp. 80-2). Former Section R17-4-54 renumbered without change as Section R17-4-218 (Supp. 87-2). R17-4-218 and Appendix A repealed; new Section adopted effective December 8, 1998 (Supp. 98-4).

R17-4-219. Procedures for issuing temporary registration permits

- A.** Procedure to follow when issuing temporary registration plates
1. Complete Temporary Registration Plate with all required information, filling in all blank spaces.
 2. With a BLACK FELT MARKING PEN, fill in the date of issuance, in the boxes where outlined on the WHITE

to the County Assessor, whereby the fees will then be collected as of the DATE OF THE FIRST TEMPORARY REGISTRATION PLATE.

2. Used vehicles. When a Temporary Registration Plate has been written for a used vehicle and the sale is not completed, the dealer must then develop title and registration in the dealership name, by lining out the customers name and address on the GREEN and YELLOW copies of the Temporary Registration Plate, and insert the dealership name and address, then completing the transaction to the County Assessor.

C. Special instructions

1. Do not mark VOID on any Temporary Registration Plate. In case of an error, contact the Dealer Service, Motor Vehicle Division immediately for special instructions and authorization for proper handling.
2. When a Temporary Registration Plate has been written for a vehicle, and the previous owner surrenders the Arizona license plates with the current year's validation tabs, before the title documents have been submitted to the County Assessor, remove the WHITE copy from the vehicle, and return it along with the GREEN and YELLOW copies of the Temporary Registration Plate to the Dealer Service, Motor Vehicle Division, giving the Arizona license plate number and the current year's tab number if applicable.
3. Except where otherwise provided in these rules or by statute, when a Temporary Registration Plate has been written and registration is not completed, a registration fee of \$6.25 if prior to July 1st or \$4.75 if after July 1st of the current year will be charged. The WHITE, GREEN and YELLOW copies of the Temporary Registration Plate must be submitted to the Dealer Service, Motor Vehicle Division, accompanied by the proper fee. Common examples when this rule will apply are as follows:
 - a. When a vehicle has been dealer trade or wholesaled to another dealer.
 - b. When the Temporary Registration Plate has been written for a vehicle that is to be taken out-of-state.
 - c. When the Temporary Registration Plate has been written for a vehicle purchased by out-of-state residents who are entitled to retain their home state plates.
 - d. When two Temporary Registration Plates have been written for the same vehicle and/or for the same customer.
4. The foregoing examples are not intended to be a complete list of situations to which this rule applies; it is offered for guidance only.

- D. Restrictions.** A dealer shall not issue a Temporary Registration Plate to any vehicle requiring a Certificate of Weight, unless and until such Certificate of Weight has been obtained by the Dealer. The Certificate of Weight must accompany the Application for Title and the Application for Registration with the GREEN and YELLOW copies of the Temporary Registration Plate to the County Assessor.

Historical Note

Former Rule, General Order 101. Former Section R17-4-42 renumbered without change as Section R17-4-219 (Supp. 87-2).

R17-4-220. Repealed

Historical Note

Former Rule, General Order 103; Former Section R17-4-44 repealed, new Section R17-4-44 adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-44

renumbered without change as Section R17-4-220 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

R17-4-221. Repealed

Historical Note

Former Rule, General Order 75. Former Section R17-4-30 renumbered without change as Section R17-4-221 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

R17-4-222. Nonresident daily commuter fee

The Department shall charge any nonresident daily commuter, as defined in A.R.S. § 28-361, a fee of eight dollars upon filing an application form, incorporated herein by reference and on file with the Secretary of State's Office, to recover the cost of administering the Article.

Historical Note

Adopted effective December 3, 1986 (Supp. 86-6). Former Section R17-4-80 renumbered without change as Section R17-4-222 (Supp. 87-2).

R17-4-223. Repealed

Historical Note

Emergency rule adopted effective August 8, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Former emergency rule permanently adopted with changes effective December 31, 1991 (Supp. 91-4). Repealed effective July 18, 1994 (Supp. 94-3).

R17-4-224. Motor vehicle registration and number plate reinstatement fee

A fee of \$50 shall be assessed for the reinstatement of a motor vehicle registration and number plate suspended pursuant to A.R.S. § 28-1262 due to cancellation or nonrenewal of a motor vehicle liability insurance policy.

Historical Note

Adopted effective September 25, 1991 (Supp. 91-3).

R17-4-225. Reserved

R17-4-226. Insurance Company Reporting Requirements

- A. Definitions.** In this Section, unless the context otherwise requires:

"Cartridge tape" means reeled magnetic tape, contained in a case, that conforms to the cartridge tape specifications described in Appendix A.

"Company" means an insurance or indemnity company authorized to write motor vehicle liability coverage in Arizona.

"Division" means the Arizona Department of Transportation, Motor Vehicle Division.

"EDI" means electronic data interchange, consisting of either computer-to-computer reporting or cartridge tape reporting from a company to the Division.

"Motor vehicle liability policy" has the meaning prescribed in A.R.S. § 28-4001(4).

"Reporting" means the periodic EDI transmission from a company to the Division of motor vehicle insurance cancellations, nonrenewals, and new issues on a vehicle in Arizona as required by A.R.S. § 28-4148 and in accordance with this Section.

- B. Reporting requirements.**

1. A company wishing to submit cartridge tape reporting shall do so in accordance with the cartridge tape specifications and reporting format described in Appendix A.

- Cartridge tape reporting may be used through July 31, 1999.
2. A company wishing to submit computer-to-computer reporting shall contact the Division's Mandatory Insurance Reporting Unit, 1801 West Jefferson, Mail Drop 532M, Phoenix, Arizona 85007, telephone number (602) 712-8308.
 3. On every Friday, a company with 10,000 or more motor vehicle liability policies in place in Arizona shall submit to the Division a reporting of all cancellations, nonrenewals, or new policy issues processed by the company 7 or fewer days before the reporting date.
 4. Through Thursday, July 15, 1999, a company with fewer than 10,000 motor vehicle liability policies in place in Arizona as of August 21, 1998, shall submit to the Division by the 15th day of each month a reporting of all cancellations, nonrenewals or new policy issues processed by the company 30 or fewer days before the reporting date.
 5. On Friday, July 30, 1999, a company with fewer than 10,000 motor vehicle liability policies in place in Arizona as of August 21, 1998, shall submit to the Division a reporting of all cancellations, nonrenewals or new policy issues processed by the company from the date of the reporting submitted by July 15, 1999, through July 29, 1999.
 6. If there are no reportable activities as of the reporting date, a company shall submit to the Division a declaration of inactivity.
- C. This Section and Appendix A to this Section shall be repealed on August 1, 1999.

Historical Note

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. §41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective February 1, 1993 (Supp. 93-1). Amended effective January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1).

Appendix A. Cartridge Tape Specifications and Reporting Format Through July 31, 1999

Cartridge Tape Specifications

Record Length	197 Bytes
Blocking Factor	1970 (10 records per block)
Tape Medium	Standard IBM 3480 Cartridge
Tape Density	Standard 3480, Not Compressed
Tape Internal Label	NL (Nonlabeled tapes)

Reporting Format Through July 31, 1999

<i>Information Required</i>	<i>Bytes</i>	<i>Field Type</i>	<i>Field Description</i>
VIN [except as provided in A.R.S. § 28-4148(D)]	25	Alpha/Numeric	Complete VIN, left justified
Make	5	Alpha	
Year	2	Numeric	
Cancel Date	6	Numeric	MMDDYY (all zeroes for new issues; no future dates for cancellations)
Policy Number	30	Alpha/Numeric	Left Justified
Insurance Code	4	Numeric	
Name (Last, First)	40	Alpha/Numeric	Left Justified
Address	40	Alpha/Numeric	Left Justified
City	25	Alpha/Numeric	Left Justified
State	2	Alpha	
Zip Code	9	Numeric	Left Justified
Driver's License Number	9	Alpha/Numeric	Left Justified, optional

Historical Note

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. §41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted effective February 1, 1993 (Supp. 93-3). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1).

R17-4-227. Financial Responsibility Suspension; Restricted License and Restricted Registration

A. Definitions.

1. "Prohibitive Action" means any other action taken pursuant to rule or statute, except A.R.S. § 28-1256.02, which prohibits the issuance of either the applicant's driving privileges or vehicle registration privileges.
2. "Proof of Insurance" means those items identified in A.R.S. § 28-1253(A) as acceptable evidence of financial responsibility.
3. "Restricted License" means a driver's license restricted to travel during the licensee's course of employment or between the licensee's place of employment and resi-

dence and its use limited to specified periods of the day or night according to the licensee's employment schedule.

4. "Restricted Registration" means a motor vehicle registration restricted to travel during the owner's course of employment or between the owner's place of employment and residence and its use limited to specified periods of the day or night according to the owner's employment schedule.

B. Restricted License and Restricted Registration.

1. Any person whose driving privileges or vehicle registration privileges or both are suspended pursuant to A.R.S. § 28-1256.02 may apply to the Motor Vehicle Division for a restricted license or a restricted registration or both.

2. The restricted license or restricted registration shall only be issued as long as there is no prohibitive action.
 3. To receive the restricted license or restricted registration, the applicant shall surrender the applicant's current driver's license, if any, and file proof of insurance in accordance with A.R.S. §§ 28-1251(A) and 28-1253(A).
 4. The restricted license and restricted registration shall expire at the end of the suspension period.
- C. Reinstatement.**
1. At the end of the suspension period, the applicant may apply to the Motor Vehicle Division for the reinstatement of the applicant's driving and vehicle registration privileges.
 2. Driving privileges and vehicle registration privileges shall not be reinstated until proof of financial responsibility in accordance with A.R.S. Title 28, Chapter 7, Article 4 is filed with the Motor Vehicle Division. This proof of future financial responsibility is required to be maintained for the three-year period following the ending date of the suspension.
 3. A fee of \$10 for the reinstatement of driving privileges and a fee of \$25 for the reinstatement of vehicle registration privileges shall be paid at the time of application for reinstatement.

Historical Note

Adopted effective June 16, 1992 (Supp. 92-2).

R17-4-228. Reserved

R17-4-229. Reserved

R17-4-230. Filing liens and encumbrances

- A.** Section 66-231, A.C.A. 1939, provides for the filing of liens and encumbrances upon motor vehicles with the Division of Motor Vehicles, which section provides, however, that the liens or encumbrances so deposited shall not constitute constructive notice until the issuance of a new certificate of title issued after the filing of said lien.
- B.** This Section further provides, upon the depositing of any lien or encumbrance, it shall be accompanied by the certificate of title last issued, and the fee or fees provided by law to be paid, whereupon the Division is required to file the application and documents, endorsing thereon the date and hour received and, when satisfied as to the genuineness and regularity of the application, shall issue a new certificate of title showing the name of the owner and statement of all liens and encumbrances, and the amount thereof.
- C.** In the past, liens and encumbrances have been submitted to the Division for filing that have not been accompanied by the documents and fees required by law to be filed therewith.
- D.** Effective immediately, any lien or encumbrance submitted for deposit with this Division, unless accompanied by certificate of title and the required fees, shall be immediately returned, without endorsing thereon the date or hour received, advising and instructing the person so depositing, that the law requires that there shall be deposited with every lien or encumbrance, the certificate of title to the motor vehicle, accompanied by the fee or fees required by law to be paid.

Historical Note

Former Rule, General Order 47. Former Section R17-4-15 renumbered without change as Section R17-4-230 (Supp. 87-2).

R17-4-231. Vehicle title lien clearance requirements

A.R.S. § 28-325, subsection (G), reads: "When final payment is made on a lien or encumbrance recorded under this section, the holder thereof shall make and deliver to the lienor or encumbrancer

a satisfaction thereof. Upon delivery to the vehicle division by the lienor or encumbrancer of the certificate of title to the vehicle on which the lien or encumbrance was given, together with satisfaction thereof, the division shall satisfy the lien or encumbrance on its records and on the certificate of title to the vehicle".

1. The above quoted statute clearly requires that the lien holder shall make and deliver to the lienor a satisfaction.
2. The act of stamping on the face of a title the words "Paid" or "Lien Satisfied" does not comply with the requirements of the Section referred to above.
3. The Motor Vehicle Division does as a matter of policy furnish to each lien holder a lien filing receipt.
4. To give full effect to the provisions of the above quoted statute and for the best interests of all lien holders, IT IS ORDERED that either one of the two forms as indicated below must be furnished the division for the purpose of satisfying the lien on the division records and on the certificate of title to the vehicle.
 - a. The lien filing receipt furnished the lien holder by the motor vehicle division, on which receipt the lien holder may indicate by use of a rubber stamp that the lien has been paid or satisfied. Such stamp shall be validated by the full signature of the lien holder or his authorized agent. The date of the validation shall be indicated.
 - b. Any form of instrument giving a complete description of the vehicle, the date, amount and type of lien as recorded on the certificate of title and indicating that the lien has been paid or satisfied. The authorized signature of the lien holder or his authorized agent appearing on the instrument must be acknowledged before a Notary Public.

Historical Note

Former Rule, General Order 70. Former Section R17-4-28 renumbered without change as Section R17-4-231 (Supp. 87-2).

R17-4-232. Reserved

R17-4-233. Reserved

R17-4-234. Reserved

R17-4-235. Reserved

R17-4-236. Reserved

R17-4-237. Manufacturer's statements of origin - assignment on transfer by licensed dealers

- A.** Section 66-1101, A.C.A. 1939, gives the following definitions:
 1. "New motor vehicle dealer" shall mean any person who buys, sells, or exchanges, or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling, new motor vehicles or used motor vehicles taken in trade on new motor vehicles;
 2. "Used motor vehicle dealer" shall mean any person, other than a new motor vehicle dealer who buys, sells, or exchanges, or offers or attempts to negotiate a sale or exchange of any interest in, or who is engaged in the business of selling, used motor vehicles;
 3. "Motor vehicle dealer" shall mean any new motor vehicle dealer or any used motor vehicle dealer.
- B.** Section 66-1102 states, "No motor vehicle dealer, motor dealer or wrecker shall engage in business except in accordance with the requirements of law".
- C.** Section 66-1104 reads in part, "No person shall engage in the business of a motor vehicle dealer, motor dealer or wrecker

except from an established place of business and without first having obtained from the vehicle superintendent a license authorizing him to engage in such business. Application for license shall be made to the vehicle superintendent in writing, upon forms to be prescribed and furnished by the vehicle superintendent, shall be verified and shall contain:

1. "The name and residence of the applicant;
2. "The principal place of business of the applicant;
3. "The established place of business at or from which such business is to be conducted;
4. "The make or makes of new motor vehicles, if any, which applicant will sell or offer for sale within this state;
5. "Such other information as the vehicle superintendent shall require".

- D.** Section 66-1103, A.C.A. 1939, reads in part, "The vehicle superintendent is vested with the power and authority, and it shall be his duty, to supervise and regulate all motor vehicle dealers... and to prescribe such rules as he may determine necessary for the purpose of carrying out the provisions of this act".
- E.** The superintendent lacks jurisdiction to regulate or supervise dealers other than those within the state of Arizona; it follows that the term dealer as used in this Act refers only to a dealer licensed by the superintendent.
- F.** Section 66-205 provides, "The application for a certificate of title to a new vehicle shall be accompanied by a certificate from the manufacturer showing the date of sale to the dealer or person first receiving same from the manufacturer. . . and shall certify that the vehicle when so sold was a new vehicle. If sold through a dealer, such dealer shall certify that the vehicle when sold to the applicant was new".
- G.** To give full effect to the provisions of the above quoted statutes, it is ordered that when an application for an Arizona certificate of title is supported by a manufacturer's certificate of origin, the application shall be handled as follows:
1. When the manufacturer's certificate shows transfer of the vehicle by the manufacturer to a person (Section 66-205), the Division will issue a certificate of title to such person named in the manufacturer's certificate.
 2. Manufacturers' certificates, the basis for the title to a new car, will be accepted only when issued a dealer duly licensed and registered under the laws of Arizona.
 3. When the manufacturer's certificate shows transfer of the vehicle by the manufacturer to a dealer (Section 66-205), the Division will issue certificate of title only upon assignment to the applicant of the manufacturer's certificate by a licensed Arizona New Motor Vehicle Dealer authorized to sell the make of vehicle for which application for title is being made.

Historical Note

Former Rule, General Order 50. Former Section R17-4-16 renumbered without change as Section R17-4-237 (Supp. 87-2).

R17-4-238. New vehicle dealer's evidence of franchise

- A.** Section 66-222, A.C.A. 1939, provides, "Any manufacturer or licensed dealer may make application to the division, upon a form provided for such purpose, for a dealer's certificate containing a general distinguishing number, and for one or more pairs of special plates or single special plates appropriate to various types of vehicles. The applicant, at the time of making such application shall, if a manufacturer, submit such proof of his status as a bona fide manufacturer as may reasonably be required by the division, and if a dealer in new motor vehicles, trailers or semitrailers, shall submit satisfactory proof that he is a duly authorized distributor or dealer for a manufacturer".

- B.** Section 66-201, A.C.A. 1939, states "The superintendent shall prescribe rules and regulations for carrying out the provisions of this act . . .".
- C.** Section 66-1104, A.C.A. 1939, dealing with applications for motor vehicle dealers' licenses, provides that the application shall contain "The make or makes of new motor vehicles, if any, which applicant will sell or offer for sale within this state; such other information as the vehicle superintendent shall require".
- D.** It is ordered that applicants for a license as a new motor vehicle dealer shall submit satisfactory proof that he is a duly authorized distributor or dealer for a manufacturer of the make of vehicles which his application states he will sell or offer for sale.

Historical Note

Former Rule, General Order 51. Former Section R17-4-17 renumbered without change as Section R17-4-238 (Supp. 87-2).

R17-4-239. Dealer plate display

- A.** A.R.S. § 28-1311, subsections (A), (B), and (C), provides, "A manufacturer or dealer owning a vehicle of a type otherwise required to be registered may operate the vehicle without registering it, if there is displayed upon the vehicle in the manner prescribed in A.R.S. § 28-309, a special plate or plates issued to the owner as provided in this Article. This provision shall not apply to work or service vehicles owned by a manufacturer or licensed dealer."
1. "A manufacturer or licensed dealer may make application to the vehicle division, upon a form provided for such purpose, for a dealer's certificate containing a general distinguishing number, and for one or more pairs of special plates or single special plates appropriate to various types of vehicles."
 2. "The vehicle division, upon granting the application, shall issue to the applicant a certificate containing applicant's name and address and the general distinguishing number assigned to him, and shall also issue special plates as applied for. Every plate or pair of plates so issued shall contain a number or symbol distinguishing them from every other plate or pair of plates issued to the same manufacturer or dealer. The right to use a special plate issued for any calendar year shall terminate at midnight on December 31 of each year."
- B.** A.R.S. § 28-310 provides "When, in the discretion of the superintendent, conditions and circumstances are such as to necessitate and warrant, the vehicle division may furnish one number plate in lieu of the two number plates required in A.R.S. § 28-308. The vehicle division may issue one or more tabs or windshield stickers to indicate the year for which a plate is issued and may make appropriate rules and regulations for the use and display of such tabs or stickers or one plate."
- C.** In the discretion of the Superintendent, conditions and circumstances in connection with the enforcement of the proper use of manufacturer or dealer plates are such as to necessitate and warrant the use of one number plate in lieu of the plates provided for in A.R.S. § 28-1311.
- D.** The attachment in the rear of a vehicle of one manufacturer's plate or one dealer's plate in the manner provided for in A.R.S. § 28-309 shall apply to the use of manufacturers' and dealers' number plates as provided for in A.R.S. § 28-1311.

Historical Note

Former Rule, General Order 60. Former Section R17-4-22 renumbered without change as Section R17-4-239 (Supp. 87-2).

R17-4-240. Dealer and wrecker bond amounts

Title 28, Chapter 8, Article 1, Arizona Revised Statutes provides that every application for a license to engage in the business of a motor vehicle dealer, motor dealer or wrecker shall be accompanied by a bond in a form to be approved by the Assistant Director and shall be in such amount, not less than one thousand dollars, as the Assistant Director prescribes.

1. The minimum amount of such bonds shall be as follows:
 - a. Motor Vehicle Dealer dealing in motor vehicles other than motorcycles, motor-driven cycles or trailers with an unladen weight not exceeding 1500 lbs., Twenty-five Thousand Dollars.
 - b. Motor Vehicle Dealer dealing only in motorcycles, motor-driven cycles or trailers with an unladen weight not exceeding 1500 lbs., Ten Thousand Dollars.
 - c. Motor Dealer -- Five Thousand Dollars.
 - d. Wrecker -- Five Thousand Dollars.
2. This Order to be effective as to bonds accompanying applications filed for the calendar year 1982 and thereafter.

Historical Note

Former Rule, General Order 65; Amended effective January 11, 1982 (Supp. 82-1). Former Section R17-4-25 renumbered without change as Section R17-4-240 (Supp. 87-2).

R17-4-241. Vehicle title - requirements of possession by dealers

- A. For the purpose of determining when a dealer has in his possession a duly and regularly assigned certificate of title to a motor vehicle, the name of the dealer shall appear on the certificate as transferee or purchaser at the time of taking an assignment of a title to a motor vehicle.
- B. No dealer or manufacturer shall offer for sale or sell a motor vehicle unless and until he has in his possession a duly assigned certificate of title listing the dealer as purchaser or transferee, except that a certificate of title shall not be required for a new motor vehicle sold by manufacturers to dealers.

Historical Note

Former Rule, General Order 76. Former Section R17-4-31 renumbered without change as Section R17-4-241 (Supp. 87-2).

R17-4-242. Dealer license - changing location, branch outlet, etc.

- A. For the purpose of determining when a dealer or wrecker may legally change his place of business, open a branch lot, or move a branch lot, application must be made to the Motor Vehicle Division and the ten-dollar fee therefore must be paid.
- B. No dealer or wrecker shall offer for sale or sell a motor vehicle unless or until he has obtained a duly authorized license issued pursuant to application made by him and approved by the Motor Vehicle Division.

Historical Note

Former Rule, General Order 77. Former Section R17-4-32 renumbered without change as Section R17-4-242 (Supp. 87-2).

R17-4-243. Dealer's place of business requirements

A dealer may not engage in the business of selling motor vehicles, either new or used, unless or until the dealer maintains an office where his records shall be available for inspection by the superintendent or his authorized agent, and also a place, such as a lot, parking place or premises of similar make-up and description, at or upon which these motor vehicles shall be displayed and available

for inspection, and from which these motor vehicles will be sold. These required premises may be either rented, leased or owned in fee but must have sufficient space to display two or more motor vehicles of a kind and type which the dealer is licensed to sell and must be devoted principally to the use of a motor vehicle dealer in the conduct of the business of the dealer.

Historical Note

Former Rule, General Order 85. Former Section R17-4-36 renumbered without change as Section R17-4-243 (Supp. 87-2).

R17-4-244. Reserved**R17-4-245. Dealer Acquisition Contract**

- A. General Requirements. The dealer acquisition contract required by A.R.S. § 28-1310.01 shall be prepared and furnished by dealer on dealer's own business form and shall comply with all requirements of this rule.
- B. Content. The dealer acquisition contract shall contain, but is not limited to, the following information separately stated and in the following order at the beginning of the contract:
 1. The heading "Dealer Acquisition Contract".
 2. Dealer name, trade name, and license number.
 3. Dealer business address and phone number.
 4. Vehicle owner name, address, and phone number.
 5. Vehicle identification number, license plate number, licensing state, model, make, and year.
 6. Vehicle title number and titling state.
 7. Lienholder name, address, phone number, and disclosed lien balance, prepayment penalties if any, and any other information relevant to the terms and conditions of repayment of the loan.
 8. Warranty from owner that vehicle is free and clear of all liens and encumbrances except those disclosed and that the amount of the unpaid lien balance is no greater than the disclosed lien balance.
 9. Contract amount and recital that the amount has been paid to owner by dealer or credited against the purchase price of another vehicle sold by dealer to owner.
 10. Statement that owner sells and transfers to dealer the described vehicle.
 11. Authorization from owner to dealer permitting dealer to obtain from lienholder any and all information necessary to verify that stated lien amount is accurate and to assure that the debt is paid and the lien released.
 12. Warranty from owner that the registration documentation delivered to dealer is the original and most recently issued registration for listed vehicle.
 13. Agreement as to who shall pay off lien amount.
 14. Authorization from owner to dealer permitting dealer to obtain the official, original certificate of title from lienholder and to endorse owner's name thereon, if necessary, to transfer title of vehicle to dealer.
 15. Agreement by owner that, in the event the certificate of title is received by owner, owner will deliver same to dealer immediately and provide dealer with any signatures and acknowledgments necessary to transfer vehicle to dealer.
 16. Date acquisition contract executed.
 17. Signature of dealer.
 18. Signature of owner.
- C. Any additional contract provisions shall not conflict with nor alter the meaning of the required provisions.
- D. Disposition. Whenever a dealer prepares an acquisition contract as required by this rule, a copy shall be given to the owner of the vehicle. The original contract shall be retained by the dealer at his established place of business for three years.

- E. Disclaimer. Compliance with the requirements of this rule is not and shall not be interpreted as nor held out to be approval by the state of Arizona, any of its departments, divisions, agencies, officers, or employees of the contract's fairness, validity, or legality. This rule merely furnishes information which is required to be on a dealer acquisition contract and is not intended to be a complete contract.

Historical Note

Adopted effective September 13, 1993 (Supp. 93-3).

R17-4-246. Dealer Consignment Contract

- A. General Requirements. The dealer consignment contract required by A.R.S. § 28-1310.01 shall be prepared and furnished by dealer on dealer's own business form and shall comply with all requirements of this rule.
- B. Content. The dealer consignment contract shall contain, but is not limited to, the following information separately stated and in the following order at the beginning of the contract:
1. The heading "Dealer Consignment Contract".
 2. Dealer name, trade name, and license number.
 3. Dealer business address and phone number.
 4. Vehicle owner name, address, and phone number.
 5. Vehicle identification number, license plate number, licensing state, model, make, and year.
 6. Vehicle title number and titling state.
 7. Lienholder name, address, phone number, disclosed lien balance, prepayment penalties, if any, and any other information relevant to the terms and conditions of repayment of the loan.
 8. Warranty from owner that vehicle is free and clear of all liens and encumbrances except those disclosed.
 9. Authorization from owner to dealer permitting dealer to market and sell vehicle on behalf of owner for mutually agreed upon and specified minimum price.
 10. Agreement by dealer to inform any prospective customer that vehicle is on consignment.
 11. Agreement by dealer to satisfy all disclosed liens immediately upon receipt of the proceeds from sale of vehicle.
 12. Agreement by owner to deliver and reassign certificate of title for vehicle to purchaser properly endorsed and acknowledged upon payment of minimum specified price.
 13. Expiration date of consignment contract.
 14. Agreement by dealer to deliver vehicle to owner at specified location upon expiration or termination of consignment contract.
 15. Agreement by owner to pay any money due dealer upon delivery of the vehicle after expiration or termination of the consignment contract.
 16. Date consignment contract executed.
 17. Signature of dealer.
 18. Signature of owner.
- C. Any additional contract provisions shall not conflict with nor alter the meaning of the required provisions.
- D. Disposition. Whenever a dealer prepares a consignment contract as required by this rule, a copy shall be given to the owner of the vehicle. The original shall be retained by the dealer at his established place of business for three years after the consignment contract has expired or terminated or the sale of the vehicle is completed.
- E. Disclaimer. Compliance with the requirements of this rule is not and shall not be interpreted as nor held out to be approval by the state of Arizona, any of its departments, divisions, agencies, officers, or employees of the contract's fairness, validity, or legality. This rule merely furnishes information

which is required to be on a dealer consignment contract and is not intended to be a complete contract.

Historical Note

Adopted effective September 13, 1993 (Supp. 93-3).

R17-4-247. Reserved

R17-4-248. Reserved

R17-4-249. Reserved

R17-4-250. 1974 reflectorized stickers on 1973 license plates
Number plates issued as evidence of registration of passenger vehicles, trucks, and trailers, for the year ending December 31, 1974, shall be identical with the number plates issued for 1973, but each plate shall have displayed thereon a reflectorized sticker to be furnished by the Motor Vehicle Division bearing the year numeral 1974 and a serial number, which number shall be recorded on the registration card by the registering officer. When a properly issued sticker has been affixed to the 1973 number plate in the upper right hand corner, such plate shall constitute a 1974 license plate. The display of a 1974 sticker on a number plate other than the plate to which originally assigned by the registering officer shall be considered to alter the number plate and make the person responsible subject to the appropriate penalty provided for in A.R.S. § 28-326. None of the foregoing shall apply to dealer plates, transporter plates, motorcycle plates, or thirty-day plates.

Historical Note

Former Rule, General Order 111. Former Section R17-4-47 renumbered without change as Section R17-4-250 (Supp. 87-2).

R17-4-251. Annual renewal of horseless carriage license plate or a classic car license plate - \$5.00 January 1, 1974

- A. The existing fees have been determined from the statutorily established fee for issuance and renewal of special plates for amateur radio operators, and
- B. The Arizona Legislature has generally increased motor vehicle fees and specifically increased the fees for special plates for amateur radio operators,
- C. The fee for the issuance or annual renewal of a Horseless Carriage license plate or a classic car license plate shall be five dollars (\$5.00), effective January 1, 1974.

Historical Note

Former Rule, General Order 112. Former Section R17-4-48 renumbered without change as Section R17-4-251 (Supp. 87-2).

R17-4-252. State-owned vehicles - 5 year plate validity

License plates furnished free of charge by the Motor Vehicle Division for a vehicle owned by the state of Arizona or political subdivision thereof shall be issued for a five-year period and will not bear a year designation. During each intervening four-year period, annual issuance of tabs and new registration cards will not be required. Such "no-fee" license plates will be furnished to the state of Arizona or political subdivision thereof in the required number requested together with a like number of blank registration card forms. The assignment of plates to such vehicles and the preparation of registration cards corresponding thereto will be the responsibility of the person having custody thereof. In the event of sale of any such vehicle, the plate assigned thereto shall be removed but may be reassigned to another vehicle.

Historical Note

Former Rule, General Order 82. Former Section R17-4-34 renumbered without change as Section R17-4-252 (Supp. 87-2).

R17-4-253. Reserved

R17-4-254. Reserved

R17-4-255. Reserved

R17-4-256. Reserved

R17-4-257. Reserved

R17-4-258. Reserved

R17-4-259. Reserved

R17-4-260. Motor vehicle repossession procedures

A. A.R.S. § 28-315 reads in part as follows: "When the title or interest of an owner in or to a registered vehicle passes to another through notice and sale under the conditions contained in a chattel mortgage, conditional sale or other evidence of lien ... the transferee may secure a transfer of registration to himself, and a new certificate of title, upon presenting satisfactory evidence to the vehicle division that the sale of the vehicle was fairly and lawfully conducted in conformity with all requirements of law after due notice to the former owner".

1. The seller on a **CONDITIONAL SALES CONTRACT** properly filed with the Division, or the seller's assignee, may upon retaking of a vehicle because of default in the performance of the terms in the contract, secure a transfer of ownership to the transferee by complying with the requirements as listed below, applicable to the then existing fact situation:

2. **WHEN THE BUYER HAS PAID AT LEAST FIFTY PERCENT OF PURCHASE PRICE**, A.R.S. § 44-319 provides for compulsory resale by seller if the buyer has paid at least fifty percent of the purchase price at the time of retaking. The applicant for a certificate of title to a vehicle sold under this Section must furnish the vehicle division with the following:

- a. An affidavit by the seller or an assignee of the conditional seller covering but not limited to these items:
 - i. Name of purchaser and description of vehicle.
 - ii. Date and total amount of contract (must agree with similar information shown on title and lien filing receipt).
 - iii. Purchase price of vehicle as shown in contract.
 - iv. Amount paid on purchase price at time of retaking vehicle.
 - v. Statement that resale was made under provisions of A.R.S. § 44-319.
 - vi. Place and date seller retook possession.
 - vii. Statement that resale was held not more than thirty days after retaking.
 - viii. Statement that buyer was given not less than ten days' written notice of sale and whether personally or by registered mail directed to the buyer at his last known place of business or residence.
 - ix. Statement that notice of sale was posted in three different public places at least five days before the sale.
 - x. If, at the time of retaking, \$500.00 or more had been paid on the purchase price, statement that notice of sale was given at least five days before the sale by publication in a newspaper published or having general circulation in the filing district where the vehicle was sold.
- b. Copy of notice of sale given to purchaser.
- c. Publisher's affidavit of publication of notice of sale, in the event \$500.00 or more paid on purchase price.

- d. Bill of sale to buyer at resale, showing amount paid for vehicle.

B. Requirements when there is no resale.

1. When compulsory resale is not required and the seller wishes to retail the vehicle as his own property as provided for in A.R.S. § 44-323, the seller must furnish the vehicle division with an affidavit covering but not limited to these items:
 - a. Name of purchaser and description of vehicle.
 - b. Date and total amount of contract. (Must agree with similar information shown on title and lien filing receipt.)
 - c. Purchase price of vehicle as shown in contract.
 - d. Amount paid on purchase price at time of retaking vehicle, and statement that such amount was less than fifty percent of the purchase price.
 - e. If notice of intention to retake as provided for in A.R.S. § 44-317 was given, statement to that effect.
 - f. If seller did not give the notice of intention to take as described in A.R.S. § 44-317, a statement that the vehicle was retained for ten days after retaking within the state in which the vehicle was located when retaken, during which period the buyer did not pay or tender payment of the amount due under the contract or meet the requirements necessary to redeem the vehicle as provided for in A.R.S. § 44-318.
 - g. Statement that the applicant (seller or his assignee) has complied with all the applicable provisions of Title 44, Chapter 3, Arizona Revised Statutes, and therefore is entitled to have a title issued in his name.

C. Resale at option of buyer or seller.

1. A.R.S. § 44-320 provides that:
 - a. "If the buyer has not paid at least fifty percent of the purchase price at the time of the retaking, the seller shall not be under a duty to resell the goods as prescribed in A.R.S. § 44-319, unless the buyer serves upon seller, within ten days after retaking, a written notice demanding a resale, delivered personally or by registered mail. If such notice is served, the resale shall take place within thirty days after the service, in the manner, at the place and upon the notice prescribed in A.R.S. § 44-319. The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements."
 - b. If a resale was demanded by the purchaser under the provisions of A.R.S. § 44-320, the applicant for a certificate of title will be required to furnish the Division with the same items which the Division has indicated must be furnished in connection with a vehicle sold under the provisions of A.R.S. § 44-319.

D. Requirements in connection with foreclosure of mortgage by notice and sale as provided for in A.R.S. § 33-757.

1. The applicant for a Certificate of Title to a vehicle sold under the provision of A.R.S. § 33-757 must furnish the vehicle division with the following:
 - a. An affidavit by the mortgagee covering but not limited to these items:
 - i. A statement that a mortgage against the vehicle was foreclosed by notice and sale as provided for in A.R.S. § 33-757.
 - ii. A statement giving the name of the mortgagee and the amount and date of the mortgage, which information must agree with like infor-

mation shown on the title and lien filing receipt issued by the Division.

- iii. Statement that at least ten days before the date set for sale, a notice of the sale was personally served upon the mortgagor or subsequent purchaser of whom the mortgagee has knowledge and upon all persons having junior recorded liens upon the vehicle or that service was made as provided for in subsection (D) of A.R.S. § 33-757; by mailing a copy of the notice of sale at least ten days before the date set for the sale by registered mail addressed to the persons upon whom service or notice of sale is required, addressed to such persons at last known address.
- iv. A statement that, not less than ten days prior to the date of sale, a notice of the sale was posted in three public places in the county in which the sale was held and that the notice was published once in a paper of general circulation in the county where the sale was held.
- v. Copy of notice of sale, which must contain a full description of the mortgaged property, the time, place and terms of sale.
- vi. Publisher's affidavit of publication of notice of sale.
- vii. Bill of sale to buyer showing amount paid for vehicle.

E. Small loans.

- 1. If a chattel mortgage taken by a licensed small loan company is in default and the mortgage contains power of sale, such sale may be made upon such notice and terms as therein agreed, without foreclosure proceedings.
- 2. The applicant for a certificate of title to a vehicle sold under the provisions of A.R.S. § 6-630 must furnish the Vehicle Division with the following:
 - a. An affidavit made by the licensed small loan company covering but not limited to these items:
 - i. Statement that sale of vehicle was made under provisions of A.R.S. § 6-630(C), and that such sale was made upon such notice and terms as agreed in the chattel mortgage.
 - b. Copy of notice of sale given mortgagor.
 - c. Bill of sale to purchaser (applicant) showing selling price.
 - d. Copy of Chattel Mortgage.

F. Fees and application forms to be used.

- 1. On a transfer of ownership when the vehicle carries current year license plates, application for title will be made on Form 92 direct to the Motor Vehicle Division. The following fees must accompany the application:
 - a.

\$1.00	Title Fee
.25	Lien Clearance Fee
.50	For transfer of Registration
.50	For a Duplicate Registration Card, in the event the current Registration Card does not accompany application.
 - b. If the vehicle is not currently registered and license plates are not desired, the application will be made on Form 44-3153 direct to the Motor Vehicle Division, with a fee of \$1.25.
 - c. If the vehicle is not registered and license plates are desired, application will be made at the office of the County Assessor on Form 44-3153.

Historical Note

Former Rule, General Order 72. Former Section R17-4-29 renumbered without change as Section R17-4-260 (Supp. 87-2).

R17-4-261. Reserved

R17-4-262. Reserved

R17-4-263. Reserved

R17-4-264. Reserved

R17-4-265. Minimum value for vehicles for the purpose of the vehicle transfer tax

A. Vehicle minimum value.

- 1. For the purposes of ensuring that the sales price on which tax is levied is correct, the registering officer shall compare the dollar value of the consideration exchanged between the transferee and the transferor as shown on the Affidavit of Sales Price with a generally accepted and published value guide utilized by the vehicle dealer industry. The value guides shall be selected by the Director for use by the registering officer. The most current issue of the value guides which are available on the market shall be used for reference by the registering officer.
- 2. The minimum value to be referred to for comparison purposes by the registering officer is "used wholesale" or "average trade in value". If the value guide which lists the vehicle does not list values in the above terms, the registering officer shall refer to "average price" value. If the value guide which lists the vehicle does not list values in terms of the "average price", the registering officer shall refer to "price comparable to market value". If there is no generally accepted value guide utilized by the vehicle dealer industry which lists the vehicle, the value shall be established by reference to the Affidavit of Sales Price and any other evidence of value on which responsible persons are accustomed to relying on in the conduct of serious matters.

B. Hearings.

- 1. Any taxpayer who contests the value attributed to the vehicle by the registering officer may request an informal reconsideration of the tax assessment.
- 2. If the taxpayer contests the outcome of the informal reconsideration, the taxpayer may request a hearing subject to the provisions of administrative rules R17-4-901 and R17-4-902.
- 3. The request for a hearing must be received within thirty (30) days of the application date for transfer of ownership. All requests for a hearing must be in writing and sent or hand delivered to the Executive Hearing Office, Motor Vehicle Division, Room 202, 1801 West Jefferson Street, Phoenix, Arizona 85007.

Historical Note

Adopted as an emergency effective June 29, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Permanent rule adopted effective October 1, 1984 (Supp. 84-5). Former Section R17-4-72 renumbered without change as Section R17-4-265 (Supp. 87-2).

ARTICLE 3. TRANSFERRED

R17-4-301. Transferred

Historical Note

Transferred to R17-1-301 (Supp. 92-4).

R17-4-302. Transferred**Historical Note**

Adopted effective August 1, 1988 (Supp. 88-3). Transferred to R17-1-302 (Supp. 92-4).

R17-4-303. Transferred**Historical Note**

Transferred to R17-1-303 (Supp. 92-4).

R17-4-304. Transferred**Historical Note**

Transferred to R17-1-304 (Supp. 92-4).

R17-4-305. Transferred**Historical Note**

Transferred to R17-1-305 (Supp. 92-4).

R17-4-306. Transferred**Historical Note**

Former Rule, General Order 14. Former Section R17-4-05 renumbered without change as Section R17-4-306 (Supp. 87-2). Transferred to R17-1-306 (Supp. 92-4).

R17-4-307. Transferred**Historical Note**

Former Rule, General Order 5. Former Section R17-4-03 renumbered without change as Section R17-4-307 (Supp. 87-2). Transferred to R17-1-307 (Supp. 92-4).

R17-4-308. Transferred**Historical Note**

Former Rule, General Order 20. Former Section R17-4-06 renumbered without change as Section R17-4-308 (Supp. 87-2). Transferred to R17-1-308 (Supp. 92-4).

R17-4-309. Transferred**Historical Note**

Former Rule, General Order 31. Former Section R17-4-11 renumbered without change as Section R17-4-309 (Supp. 87-2). Transferred to R17-1-309 (Supp. 92-4).

R17-4-310. Transferred**Historical Note**

Former Rule, General Order 25. Former Section R17-4-09 renumbered without change as Section R17-4-310 (Supp. 87-2). Transferred to R17-1-310 (Supp. 92-4).

R17-4-311. Transferred**Historical Note**

Former Rule, General Order 24. Former Section R17-4-08 renumbered without change as Section R17-4-311 (Supp. 87-2). Transferred to R17-1-311 (Supp. 92-4).

R17-4-312. Transferred**Historical Note**

Former Rule, General Order 39. Former Section R17-4-13 renumbered without change as Section R17-4-312 (Supp. 87-2). Transferred to R17-1-312 (Supp. 92-4).

R17-4-313. Transferred**Historical Note**

Former Rule, General Order 27. Former Section R17-4-10 renumbered without change as Section R17-4-313 (Supp. 87-2). Transferred to R17-1-313 (Supp. 92-4).

R17-4-314. Transferred**Historical Note**

Former Rule, General Order 69. Former Section R17-4-27 renumbered without change as Section R17-4-314 (Supp. 87-2). Transferred to R17-1-314 (Supp. 92-4).

R17-4-315. Transferred**Historical Note**

Former Rule, General Order 61. Former Section R17-4-23 renumbered without change as Section R17-4-315 (Supp. 87-2). Transferred to R17-1-315 (Supp. 92-4).

R17-4-316. Transferred**Historical Note**

Former Rule, General Order 57. Former Section R17-4-20 renumbered without change as Section R17-4-316 (Supp. 87-2). Transferred to R17-1-316 (Supp. 92-4).

R17-4-317. Transferred**Historical Note**

Former Rule, General Order 36. Former Section R17-4-12 renumbered without change as Section R17-4-317 (Supp. 87-2). Transferred to R17-1-317 (Supp. 92-4).

R17-4-318. Transferred**Historical Note**

Former Rule, General Order 7. Former Section R17-4-04 renumbered without change as Section R17-4-318 (Supp. 87-2). Transferred to R17-1-318 (Supp. 92-4).

R17-4-319. Transferred**Historical Note**

Former Rule, General Order 44. Former Section R17-4-14 renumbered without change as Section R17-4-319 (Supp. 87-2). Transferred to R17-1-319 (Supp. 92-4).

R17-4-320. Transferred**Historical Note**

Former Rule, General Order 54 (Amended). Former Section R17-4-18 renumbered without change as Section R17-4-320 (Supp. 87-2). Transferred to R17-1-320 (Supp. 92-4).

R17-4-321. Transferred**Historical Note**

Former Rule, General Order 21. Former Section R17-4-07 renumbered without change as Section R17-4-321 (Supp. 87-2). Transferred to R17-1-321 (Supp. 92-4).

R17-4-322. Transferred**Historical Note**

Former Rule, General Order 3. Former Section R17-4-02 renumbered without change as Section R17-4-322 (Supp. 87-2). Transferred to R17-1-322 (Supp. 92-4).

R17-4-323. Transferred**Historical Note**

Former Rule, General Order 2A. Former Section R17-4-01 renumbered without change as Section R17-4-323 (Supp. 87-2). Transferred to R17-1-323 (Supp. 92-4).

R17-4-324. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-325. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-326. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-327. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-328. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-329. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-330. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-67 renumbered without change as Section R17-4-330 (Supp. 87-2). Transferred to R17-1-330 (Supp. 92-4).

R17-4-331. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-68 renumbered without change as Section R17-4-331 (Supp. 87-2). Transferred to R17-1-331 (Supp. 92-4).

R17-4-332. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-69 renumbered without change as Section R17-4-332 (Supp. 87-2). Transferred to R17-1-332 (Supp. 92-4).

R17-4-333. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-71 renumbered without change as Section R17-4-333 (Supp. 87-2). Amended effective December 30, 1987 (Supp. 87-4). Transferred to R17-1-333 (Supp. 92-4).

R17-4-334. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-70 renumbered without change as Section R17-4-334 (Supp. 87-2). Transferred to R17-1-334 (Supp. 92-4).

R17-4-335. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-401 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-401 renumbered without change as Section R17-4-335 (Supp. 87-2). Transferred to R17-1-335 (Supp. 92-4).

R17-4-336. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-402 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-402 renumbered without change as Section R17-4-336 (Supp. 87-2). Transferred to R17-1-336 (Supp. 92-4).

R17-4-337. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-403 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-403 renumbered without change as Section R17-4-337 (Supp. 87-2). Transferred to R17-1-337 (Supp. 92-4).

R17-4-338. Transferred**Historical Note**

Transferred to R17-1-338 (Supp. 92-4).

R17-4-339. Transferred**Historical Note**

Transferred to R17-1-339 (Supp. 92-4).

R17-4-340. Transferred**Historical Note**

Transferred to R17-1-340 (Supp. 92-4).

R17-4-341. Transferred**Historical Note**

Transferred to R17-1-341 (Supp. 92-4).

R17-4-342. Transferred**Historical Note**

Transferred to R17-1-342 (Supp. 92-4).

R17-4-343. Transferred**Historical Note**

Transferred to R17-1-343 (Supp. 92-4).

R17-4-344. Transferred**Historical Note**

Transferred to R17-1-344 (Supp. 92-4).

R17-4-345. Transferred**Historical Note**

Transferred to R17-1-345 (Supp. 92-4).

R17-4-346. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-346 (Supp. 92-4).

R17-4-347. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-347 (Supp. 92-4).

R17-4-348. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-348 (Supp. 92-4).

R17-4-349. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-349 (Supp. 92-4).

ARTICLE 4. MOTOR CARRIERS**R17-4-401. Reserved****R17-4-402. Reserved****R17-4-403. Reserved****R17-4-404. Reserved****R17-4-405. Emergency expired****Historical Note**

Emergency rule adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired.

R17-4-406. Width of Vehicles/Vehicle Loads**A. Definitions.**

1. "Load" means a material or commodity haul which is one piece, nonreducible, which cannot be easily dismantled or divided.
2. "State Highway" means designated by the Transportation Board and maintained by the state.

B. All Arizona State Highways shall be open to 102" wide Vehicles and/or Vehicle loads EXCEPT those shown on Appendix A.**C. Those Arizona State Highways that have a maximum 96" wide vehicle and/or vehicle load capacity are shown in Appendix A.****D. Permits.**

1. Vehicles and/or loads not to exceed 102" in width are exempt from over-width permits and shall operate on all Interstate highways and state routes EXCEPT those shown on Appendix A.
2. The right to use county highways or city streets is neither granted nor implied. Permits for use of other than state routes designed on the permit shall be obtained from the proper local authority.
3. A Special Excess Width Permit may be granted under the authority of A.R.S. §§ 28-1002(E) and 28-1011 by the Director.
4. Other required permits, i.e., Watercraft, Mobile Homes, Overweight, Over-Height, and Multiple trailer combinations are governed by rule in this Article.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-201 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (C)(4) should read "... governed by R17-4-58" as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-201 renumbered without change as Section R17-4-406 Supp. (87-2).

Former Section R17-4-406 repealed, new Section R17-4-406 adopted effective July 14, 1989 (Supp. 89-3).

R17-4-407. Class of permits**A. Class A. Permits for overdimensional and overweight loads within standard guidelines of 14 feet wide, 16 feet in height,**

120 feet overall length and 250,000 pounds gross combined weight. A permit may be issued for a single trip and one load or for multiple trips of specified fixed loads not to exceed 30 calendar days.

- B. Class B. Permits for multiple trips of specified or fixed loads not to exceed one full year and not exceeding the following guidelines -- 80 feet long, 12 feet, 6 inches wide, 14 feet, 8 inches height, legal axle weight and legal vehicle weight except mobile cranes and drill rigs.**
- C. Class C. Overdimensional and overweight exceeding the dimensional and/or weight limits of other classes or permits. Class C permits will be issued for single trips only.**
- D. Class D. Permits for multiple trips for mobile cranes and similar speciality equipment for periods not to exceed one full year. Class D permits will be limited to vehicles designed for over-the-road use such as cranes, drill rigs, concrete pump trucks, etc., and are subject to the requirements of Class A permits for size and weight. Vehicles which do not conform to this class may be permitted under Class C. Vehicles may obtain a Class A permit for a single trip or for multiple trips not to exceed 30 days when in conformance to size and weight limits of a Class A permit. Vehicles exceeding the limits of a Class A or Class D permit may be permitted under Class C.**
- E. Class E. Permits for vehicles may be issued for annual periods encompassing areas as authorized in A.R.S. § 28-1011(M).**

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-202 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, subsection (D) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-202 renumbered without change as Section R17-4-407 (Supp. 87-2).

R17-4-408. Applications for permits**A. Application for Class A and Class B permits.**

1. Applications shall be made on a form prescribed by the Department and signed by the carrier or its authorized agent. All applications and permits must be in writing, except for those applications accepted by Transceiver or by Western Union.
2. Permit applications for vehicles subject to registration will be approved only when such vehicles are properly registered with the Motor Vehicle Division in accordance with the applicable laws of this state.
3. Class A overdimensional and overweight 30-day permits may be issued for movements upon state and federal highways as long as the load is specifically described and the same vehicle or vehicles required to make the move are used.

B. Governmental agencies. Annual permits may be issued to cities, towns, counties, states, and federal agencies.**C. Application for Class C permits.**

1. The costs associated with the Department's review of Class C permit applications shall be borne by the applicant in accordance with Appendix D.
2. All applications for Class C permits shall be made in writing to the Assistant State Engineer-Maintenance for approval or disapproval. Any costs associated with the Department's review of the permit application shall be borne by the applicant.
3. An applicant desiring to move any vehicle which exceeds the weight established in R17-4-409 shall make application for a Class C permit in accordance with R17-4-

408(C). If requested, the applicant shall present to the Department an engineering analysis from an engineer, licensed to practice in the state of Arizona, as may be required to indicate to the satisfaction of the Department that no damage will occur from overstressing of bridges, pavement or other state property involved in the movement of the permit vehicle and load.

4. The application for Class C overweight permits shall be accompanied by drawings clearly showing the vehicle, axle spacings, axle weights, vehicle length, height, width, width out to outside of axles, tire sizes and number of tires per axle, payload weight, tare weights, loaded position of payload. The application shall also include a detailed description of the route or a suitable map showing the route desired to be used clearly marked.
 5. It is the intent of these rules that, for repetitive movements of Class C permit vehicles, the initial approval by the Assistant State Engineer for Maintenance may be applicable to subsequent single trip movements of similar size and weight vehicles providing routing and highway conditions remain the same. This extended approval may be withdrawn at anytime by the Department upon notice in writing.
- D. Mobile cranes and drill rigs -- Class D permits only.**
1. Cranes, drill rigs, and similar speciality equipment shall be subject to the same weighing procedures as required for commercial vehicles.
 2. Before a permit can be issued for movement of a mobile crane or drill rig, the applicant shall weigh the unit at a certified public scale and submit to the permit supervisor, a report on a form supplied by the Department. The report shall describe in detail the unit so weighed and measured, and shall show the length, height, and weight of the unit, and shall list the equipment to be included or excluded, such as counterweights, outriggers, boom position, position of boom dolly, etc.
 3. The weighing and measuring of the unit will be made only when the unit is set for highway travel.
 4. Conformance to the permitted weight, measurements, and equipment included or excluded for the movement of each unit under a permit is the sole responsibility of the applicant.
 5. Mobile cranes, drill rigs, and similar speciality equipment may be issued annual permits for movement over state and federal highways, with prior certification by the Department. Annual permits will only be issued when the mobile crane is registered and is moved in compliance with the certificate approved by the Department. Documentation and procedure for obtaining the certificate shall include the following:
 - a. The owner of the crane or drill rig shall submit to the permit supervisor a report including an appropriate drawing of the vehicle which clearly shows axle spacings, axle weights, dimensions of length, width, and height of vehicle, a table of loads supplied by the manufacturer listing component and total

weights. The owner's report shall include a list of equipment to be included or excluded such as counter weights, outriggers, boom position, etc., and a current photograph of the vehicle equipped ready to travel. The applicant shall also include in his submittal a tabulation of individual axle weights from a certified public scale. If such a scale is not available, the Department may weigh the vehicle using portable equipment.

- b. Officers of the Motor Vehicle Division Enforcement Section may conduct an investigation to determine the accuracy of all information submitted in subparagraph (a) above.
- c. Annual permits for all certified vehicles which can be safely operated on state routes and federal highways, subject to specific bridge or route restrictions, may be issued. Bridge or route restrictions may vary during the life of the permit due to changes in bridge and highway conditions.
6. Conformance to all the permit restrictions and vehicle certification is the sole responsibility of the applicant. Violation of the annual permit in size, weight, length, height, changing the boom position, dolly or trailer position, or any restriction stated on the permit will void the annual permit and no fee for the annual permit or a portion thereof will be refunded. Annual permits are non-transferable and non-refundable.

APPENDIX D ADDITIONAL FEES FOR CLASS C PERMITS

OBJECTIVE:

As authorized by Arizona Revised Statutes, the Department will collect additional fees to cover all or part of the cost of review and analysis of requests for overdimensional and overweight load permits. It is therefore the intent of the Department to collect a flat rate fee for vehicles as described below in order to recover a substantial amount of the cost of processing the permit. In addition, for those load movements of extraordinary size and weight, the Department will collect all costs of review and analysis.

FLAT RATE FEES:

- (1) There is no additional fee for overdimensional and/or overweight vehicles moving under Class C permit procedures, but not exceeding Class A dimensional and weight limits.
- (2) For overdimensional vehicles up to and including 18 feet in width and/or 18 feet in height --- \$15.
- (3) For overdimensional vehicles exceeding 18 feet in width or height --- \$25.
- (4) For all overweight vehicles exceeding 500,000 pounds gross vehicle weight --- \$100.
- (5) For all overweight vehicles which exceed the axle group weights of Appendix B by more than 25% --- \$100.
- (6) For overweight vehicles exceeding below listed gross vehicle weight and routed across one or more of the following bridges --- \$100 each bridge:

Department of Transportation - Motor Vehicle Division

Queen Creek Bridge	US 60,	MP 227.67	300,000 lb.
Pinto Creek Bridge	US 60,	MP 238.25	300,000 lb.
Salt River Canyon Bridge	US 60,	MP 292.91	250,000 lb.
Cedar Canyon Bridge	US 60,	MP 323.14	250,000 lb.
Corduoy Canyon Bridge	US 60,	MP 328.30	250,000 lb.
Hell Canyon Bridge	US 89,	MP 346.70	250,000 lb.
Glen Canyon Bridge	US 89,	MP 549.54	250,000 lb.
Wilson Canyon Bridge	USA89,	MP 375.66	250,000 lb.
Navajo Bridge	USA89,	MP 537.88	80,000 lb.
Kaiser Springs Bridge	US 93,	MP 135.17	250,000 lb.
Burro Creek Bridge	US 93,	MP 139.07	250,000 lb.
Guthrie Bridge (Gila River)	US666,	MP 153.51	250,000 lb.

- (7) The above listed fees are to be paid in addition to the normal permit fee. In cases where the vehicle is both overdimensional and overweight, the overdimensional fee will be waived. Items (4), (5), and (6) will not be applied in combination; only one category will apply.

DIRECT COST FEE:

For overdimensional and/or overweight movements that will require special engineering studies and analysis in terms of bridge stress analysis, routing, and traffic control, a direct cost fee will be charged for Department services. This category will include all movements that require any special modification to the highway system to accommodate the overdimensional and/or overweight vehicle.

Such analysis and studies will be assigned an administrative job number to document all costs incurred by the Department in terms of employee salary, computer time charges, travel and equipment expenses which will be charged to the applicant. The applicant will be required to post a minimum of a \$1,000 cash bond to insure complete payment of the direct cost fee. The bond will be refunded upon completion of the study and payment in full of the direct cost fee.

REPEAT LOADS:

Any applicant who has been granted a Class C permit for an equal size and/or weight vehicle within a previous 12-month period in which an additional fee has been paid, will not be required to pay the additional Class C permit fee. In all cases, the Department will utilize past permit records of all applicants in order to reduce review time periods and direct costs where such records are applicable.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-203 and Appendix D adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, added (C)(5) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-203 renumbered without change as Section R17-4-408 (Supp. 87-2).

R17-4-409. Maximum permitted weights**A. All State routes -- Class A permits.**

1. A Class A permit may be issued for single axles or combination of two or more consecutive axles that do not exceed the weights tabulated in Appendix B. Single axles, as defined in A.R.S. § 28-1008(B), are limited to 28,000 pounds. In accordance with Appendix B, an increase in weight may be allowed if the axle is wider than 8 feet and has more than four tires.
2. Subject to the single axle limitation, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally as set forth in the table in Appendix B.
3. Permit vehicles will not be allowed to cross any structure designated as not capable of permit overloads.
4. The load shall be placed on the vehicle so as to insure that the above limits are not exceeded on any single axle or axle groups.
5. If there is reasonable doubt about the weights shown on the application, the permit supervisor shall require the load to be weighed by a certified weighmaster prior to the issuance of the permit. The permit supervisor may issue a permit to travel to the nearest certified scale.
6. Any falsification of weights shall be due cause for rejection of the permit or the revocation of a permit already granted.

B. All State routes -- Class C permits.

1. A Class C permit may be issued for vehicles that exceed the weight limitations set forth in R17-4-409(A).
2. Class C permit vehicle weight is not explicitly limited within the scope of these rules; however, pavement stress and bridge capacities will be the determining factor for the maximum permitted weight.

C. All State routes -- Class D permits.

1. Overweight mobile cranes and drill rigs under a Class D permit shall be controlled by the weight tables as specified in R17-4-409(A)(1) and (2).
2. Mobile cranes or drill rigs having an axle whose suspension is dependent on pneumatic or hydraulic devices to carry any part of its weight shall not exceed the weights specified in R17-4-409(A)(1) and/or (A)(2).

Department of Transportation - Motor Vehicle Division

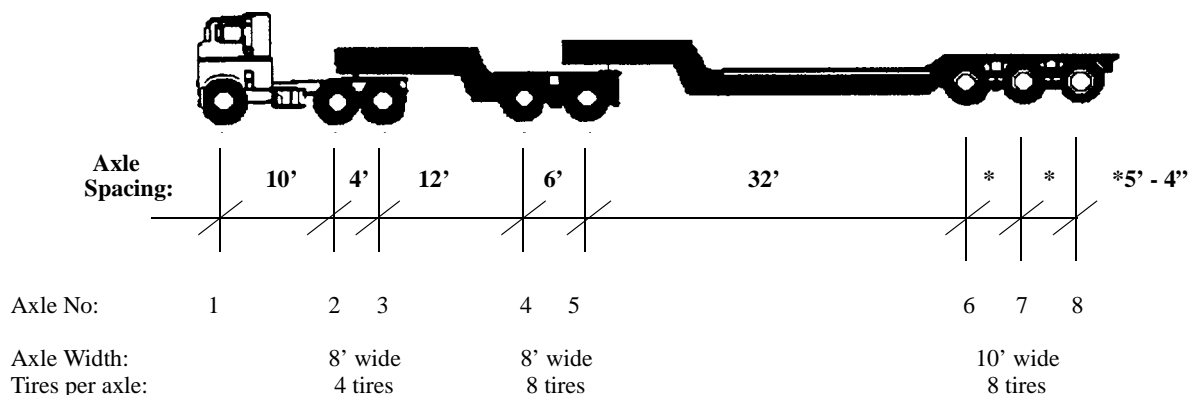
APPENDIX B
ARIZONA DEPARTMENT OF TRANSPORTATION
STRUCTURES SECTION
OVERWEIGHT AXLE GROUP CHART

FT \ IN	0	1	2	3	4	5	6	7	8	9	10	11
3	28,000 32,200 35,000	28,000 32,200 35,000	28,000 32,200 35,000	28,000 32,200 35,000	28,000 32,200 35,000	28,000 32,200 35,000	45,475 52,200 57,094	45,762 52,626 57,203	45,850 52,729 57,313	45,025 52,828 57,422	46,025 52,928 57,531	46,113 53,020 57,641
4	46,200 53,130 57,750	46,287 53,230 57,859	46,375 53,332 57,859	46,462 53,432 58,078	46,550 53,532 58,187	46,638 53,634 58,297	46,725 53,734 58,406	46,812 53,834 58,515	46,900 53,935 58,625	46,987 54,036 58,734	47,075 54,136 58,843	47,163 54,237 58,954
5	47,250 54,338 59,062	47,337 54,438 59,171	47,425 54,539 59,282	47,512 54,639 59,391	47,600 54,740 59,500	47,688 54,841 59,610	47,775 54,942 59,719	47,862 55,041 59,828	47,950 55,143 59,938	48,037 55,243 60,047	48,125 55,343 60,156	48,213 55,445 60,266
6	48,300 55,545 60,375	48,387 55,645 60,484	48,475 55,747 60,594	48,562 55,847 60,703	48,650 55,947 60,812	48,738 56,049 60,922	48,825 56,149 61,031	48,912 56,249 61,140	49,000 56,350 61,250	49,087 56,451 61,359	49,174 56,551 61,468	49,263 56,652 61,579
7	49,350 56,752 61,687	49,437 56,853 61,796	49,525 56,954 61,907	49,612 57,054 62,016	49,700 57,155 62,125	49,788 57,256 62,235	49,875 57,356 62,344	49,962 57,456 62,453	50,050 57,558 62,563	50,137 57,658 62,673	50,225 57,758 62,781	50,313 57,860 62,891
8	50,400 57,960 63,000	50,487 58,060 63,109	50,575 58,162 63,219	50,662 58,262 63,328	50,750 58,362 63,437	50,838 58,464 63,547	50,925 58,564 63,656	51,012 58,664 63,765	51,100 58,765 63,875	51,187 58,865 63,984	51,275 58,966 64,093	51,363 59,067 64,204
9	51,450 59,168 64,312	51,537 59,268 64,421	51,625 59,369 64,532	51,712 59,469 64,641	51,800 59,570 64,750	51,888 59,671 64,860	51,975 59,771 64,969	52,062 59,871 65,078	52,150 59,973 65,188	52,238 60,073 65,297	52,325 60,173 65,406	52,413 60,275 65,516
10	52,500 60,375 65,635	52,587 60,475 65,734	52,675 60,577 65,844	52,762 60,677 65,953	52,850 60,777 66,062	52,938 60,879 66,172	53,025 60,979 66,281	53,112 61,079 66,390	53,200 61,180 66,500	53,288 61,281 66,609	53,375 61,381 66,718	53,465 61,482 66,829
11	53,550 61,583 66,938	53,637 61,683 67,046	53,725 61,784 67,157	53,812 61,884 67,266	53,900 61,985 67,375	53,988 62,086 67,485	54,075 62,186 67,594	54,162 62,286 67,703	54,250 62,388 67,813	54,338 62,488 67,922	54,425 62,588 68,031	54,513 62,690 68,141
12	54,600 62,790 68,250	54,687 62,890 68,359	54,775 62,992 68,469	54,862 63,092 68,578	54,950 63,192 68,687	55,038 63,294 68,797	55,125 63,394 68,906	55,121 63,494 69,015	55,300 63,595 69,125	55,388 63,696 69,234	55,475 63,796 69,343	55,563 63,897 69,454
13	55,650 63,998 69,562	55,737 64,098 69,671	55,825 64,199 69,782	55,912 64,299 69,891	56,000 64,400 70,000	56,088 64,501 70,110	56,175 64,601 70,219	56,262 64,701 70,328	56,350 64,803 70,438	56,438 64,903 70,547	56,525 65,003 70,656	56,613 65,105 70,766
14	56,700 65,205 70,875	56,787 65,305 70,984	56,875 65,407 71,094	56,962 65,507 71,203	57,050 65,607 71,312	57,138 65,709 71,422	57,225 65,809 71,531	57,312 65,909 71,640	57,400 66,010 71,750	57,488 66,111 71,859	57,575 66,211 71,968	57,663 66,312 72,079
15	57,750 66,412 72,188	57,837 66,513 72,296	57,925 66,614 72,407	58,012 66,714 72,516	58,100 66,815 72,625	58,188 66,916 72,735	58,275 67,016 72,844	58,362 67,116 72,953	58,450 67,218 73,063	58,538 67,318 73,172	58,625 67,418 73,281	58,713 67,520 73,391
16	58,800 67,620 73,500	58,887 67,720 73,609	58,975 67,822 73,719	59,062 67,922 73,828	59,150 68,022 73,937	59,238 68,124 74,047	59,325 68,224 74,156	59,412 68,324 74,265	59,500 68,425 74,375	59,588 68,526 74,484	59,675 68,626 74,593	59,763 68,727 74,704
17	59,850 68,828 74,812	59,937 68,928 74,921	60,025 69,029 75,032	60,112 69,129 75,141	60,200 69,2307 75,250	60,288 69,331 75,360	60,375 69,431 75,469	60,462 69,531 75,578	60,550 69,633 75,688	60,638 69,7337 75,797	60,725 69,833 75,906	60,813 69,935 76,016
18	60,900 70,035 76,125	EFFECTIVE DATE _____ APPROVED: _____ Assistant State Engineer - Structures										

APPENDIX B
ARIZONA DEPARTMENT OF TRANSPORTATION
STRUCTURES SECTION

INSTRUCTIONS FOR USE OF OVERWEIGHT AXLE GROUP CHART

The axle group weights shown on the table are maximum weights allowed on any combination of axles within the distance between the front and rear axle of a given group up to a maximum of 18 feet. The table is an expansion of the formula, $W = 1.5 \times 700 (L + 40)$ where L is the distance between front and rear axles of a group. For each spacing given there are three tabulated weights, the top value is the expansion of the above formula, the second value is W plus 15%, and the bottom figure is W plus 25%. For axles conventionally equipped, i.e. 4 tires in dual configuration, 8 feet out to out, the top value governs. For axles equipped with eight tires and 8 feet in width, a 15% increase in weight is allowed and the middle tabulated weight governs. For axles having 8 tires and at least 10 feet out to out of tires a 25% increase in weight is allowed and the bottom tabulated weight governs. Axles of at least 10 feet in width and equipped with 4 or more 14 inch or wider oversize tires will be allowed a 25% increase in weight over the above formula. Axles of at least 10 feet in width and equipped with two or more 14 inch or wider oversize tires will be allowed a 15% increase in weight over the above formula.



Axle 1 limited to 28,000 lbs for single along

Axle 2 + 3 $L = 4$ $W = 46,200$ lbs (for the tandem alone)

Axle 1 + 2 + 3 $L = 14'$ $W = 56,700$ lbs (for the group)

Axle 4 + 5 $L = 6'$ $W = 55,545$ lbs (15% increase for 8 tires)

Axle 2 + 3 + 4 $L = 16'$ $W = (2/3 \times 58,800) + (1/2 \times 67,620) = 61,740$ lbs

Axle 3 + 4 + 5 $L = 18'$ $W = (1/3 \times 60,900) + (2/3 \times 70,035) = 66,990$ lbs

Axle 3 + 4 $L = 12'$ $W = (1/2 \times 54,600) + 1/2 \times 62,790 = 58,695$ lbs

Axle 6 + 7 + 8 $L = 10' - 8''$ $W = 66,500$ (25% increase for 10' wide, 8 tires)

Note that each possible axle group which can exist within a 18 feet distance must be reviewed. Axles of different configurations of width or number of tires must be prorated within the total group load in determining any allowed increase over the basic formula weight.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-204 and Appendix B adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-204 renumbered without change as Section R17-4-409 (Supp. 87-2).

R17-4-410. House moving regulations

A. All State routes -- Class A permits.

1. Mobile homes, modular structures (units), prefab structures or other off-site manufactured buildings shall be permitted to be transported on approved state routes under a Class A permit when modular structures (units) having a measured box width not to exceed 14 feet and having an eave of not more than 2 feet if the eave is to the right side (curb side). Mobile homes subject to A.R.S. § 28-1011(J) shall be moved under single trip permits only.
2. Class A permits may be issued for the movement of buildings or structures being relocated from a previous

permanent location providing the unit does not exceed the dimension limitations of paragraph (1) above.

3. Houses and structures being moved under a Class A permit are exempted from any escort vehicle requirements, except as provided for in R17-4-411(D).

B. All State routes -- Class C permits.

1. Mobile homes, modular structures (units), prefab structures or other off-site manufactured buildings exceeding 14 feet wide or having more than a 2-foot eave curb side may be permitted to be transported on state routes under a Class C permit.
2. The issuance of Class C permits for the movement of buildings or structures being relocated from a previous

permanent location and exceeding the dimensions specified in R17-4-410(A)(1) shall be subject to a detailed analysis which may include consideration of the following factors:

- a. The size and type of building to be moved.
- b. The method to be utilized in making the move.
- c. The route traveled from origin to destination.
- d. The distance of the move.

Each application will be considered on its own merit. In each instance, the interruption of normal traffic movement, the safety of the public, the necessity of keeping the highway open for emergency vehicles, and the possibility of damage to the highway or highway facilities, will be pertinent items of consideration, any of which may be a deciding factor as to whether a permit will be issued or, should a permit be issued, the conditions of operation to be imposed upon the applicant.

3. Houses and structures being moved under Class C permits may require escorts and/or special traffic control as determined by an engineering review. Where the width of the highway is such that traffic cannot move in any direction, the applicant shall not tie up traffic in any direction more than five minutes. If it becomes necessary, because of a narrow bridge or other highway feature, to temporarily block the passing lane, the applicant shall use extreme caution in flagging traffic. After passing the structure, the load shall be immediately moved to the extreme right-hand side of the roadway and proceed as provided herein.

C. General house moving requirements.

1. Permits to move buildings and structures will be issued only when the vehicles are properly registered and are suitable for the purpose of moving buildings and structures, and every permit issued shall contain the following restrictions:
 - a. No permit to move any building or structure shall be granted to any applicant other than to a bona fide owner of such building or structure, unless the applicant is properly licensed as required by law.
 - b. The owner shall be required to furnish satisfactory evidence of financial responsibility.
2. Where a permit is issued to move any buildings or structure or any part thereof over a state highway, the permit shall contain the conditions under which the load shall be moved. Upon all roadways, any overwidth vehicle shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
3. Upon completion of the move, all timbers and equipment shall be removed from the highway right-of-way and the highway and related facilities restored to original condition with the applicant required to pay the cost of any repair to restore to original condition.
4. The permittee shall notify the appropriate utility company of all overhead lines subject to disturbance or damage by the moving operation and shall be responsible for the restoration of overhead lines disturbed or damaged.
5. Permits issued for moving buildings or structures, in addition to those contained herein, are subject to all regulations for permits for excessive size and weight of vehicles and loads.
6. Rigid material, or 1.5 mil plastic sheathing or stronger, backed by a rigid grillwork not exceeding a square of 4

feet to prevent billowing, must fully enclose open sizes of sections in transit.

7. Prior to the issuance of a permit to move a mobile home, the applicant shall comply with A.R.S. § 28-1011(J). In addition, all manufactured homes shall bear the seal of approval of the Arizona Office of Manufactured Housing or a U.S. Housing and Urban Development Seal of approval as defined by A.R.S. § 32-1172, paragraph 2.
8. Towing vehicles having a 1 1/2 ton factory rating may be used to tow mobile homes not exceeding 10 feet in width and 50 feet in length inclusive of hitch. Vehicles towing mobile homes in excess of 10 feet in width and 50 feet in length inclusive of hitch shall have a minimum factory rating of two (2) tons with at least four (4) tires on each drive axle and a minimum wheel base of 99 inches. This Section shall not apply to mobile homes not exceeding 8 feet in width as defined in R17-4-406(B)(4).

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-205 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-205 renumbered without change as Section R17-4-410 (Supp. 87-2).

R17-4-411. Escort vehicles

A. Equipment requirements.

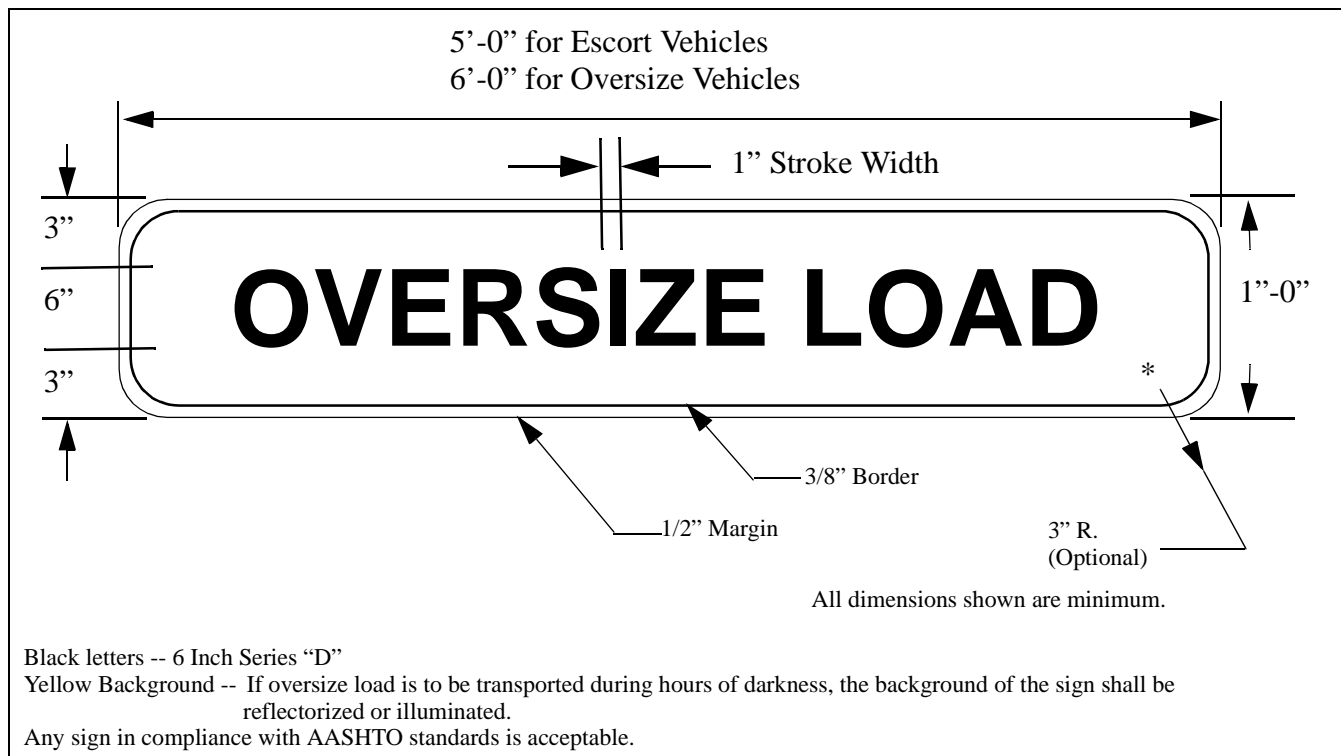
1. Size of vehicles: Escort vehicles must be a passenger car or 2-axle truck not exceeding 20,000 pounds GVW and be capable of displaying warning devices as set forth in Appendix C.
2. Flags and signs: The vehicle shall display red flags 12 inches square on all corners of the vehicle and display an "OVERSIZE LOAD" sign facing traffic approaching the load being escorted.
3. Warning lights: Warning lights are required and must be in accordance with A.R.S. § 28-947(D).
4. Radio equipment: Each vehicle shall be equipped with a two-way radio capable of transmitting and receiving voice messages over a minimum distance of one-half mile and be compatible with two-way radios in accompanying escort and towing vehicles. Radios and operators shall have all necessary approvals and licensing required by the Federal Communications Commission. Radios designed for use under Federal Communication Commission rules, Part 15, Subpart E are not acceptable.
5. Emergency equipment: Escort vehicles shall carry a minimum of eight (8) flares, a first-aid kit and two (2) red flags 12 inches square on a staff. The first-aid kit shall conform to the federal Motor Carriers Safety Regulations, paragraph 393.96, or as amended.

B. Vehicle operation.

1. Escort vehicles shall have their headlights and warning lights on and operating at all times when in service.
2. When an escort vehicle is operated as a pilot vehicle (preceding an oversize load vehicle or a vehicle towing an oversize load) or operated as a rear escort vehicle (following an oversize load vehicle or a vehicle towing an oversize load) a distance of 1,000 feet shall be maintained between such load and the escort vehicle, except where visual contact with an escorted load cannot be maintained.
3. Within a city or town, the distance set forth in this paragraph shall not be less than one hundred (100) feet nor more than 250 feet from the escorted load.

4. When traveling on a route where traffic signals control the movement of traffic, if an escort vehicle passes through an intersection and the load being escorted is required to stop, the escort vehicle will stop as soon as possible at the right-hand side of the road when the stop can be done in safety and not resume until the escorted load approaches to the required distance from the escorted vehicle. When the escort vehicle following an escorted load is required to stop at an intersection, the escorted load shall proceed in the same direction as planned and the escort shall resume its normal distance behind the escorted load as soon as possible after being allowed to proceed through the intersection.
- C. Oversize load signs.**
1. Whenever in these rules an "OVERSIZE LOAD" sign is required, it shall comply with the sign specifications shown in Appendix C of these rules, except signs from other states are acceptable when in compliance with AASHTO standards.
 2. On the vehicle or vehicle combinations upon which the oversize load is loaded, the signs shall be mounted on the forward-most part of the towing vehicle and the rear-most part of the load or vehicle on which the load is loaded in such a manner as to be clearly visible.
3. If a permit is issued for movement of a self-propelled oversize vehicle, the oversize load signs shall be mounted in the same manner as required in paragraph (2) above.
 4. On escort vehicles the sign shall be mounted securely to the vehicle at least five feet above the pavement level, facing approaching traffic.
 5. Oversize load signs shall be removed or entirely covered when not in use.
- D. Escort requirements.**
1. Overdimensional and/or overweight vehicles being moved under a Class A or Class B permit are, in general, exempt from any escort vehicle requirements, except for those state routes where roadway width or other conditions do not allow for safe movement. Escort requirements for restricted state routes are to comply with Appendix E.
 2. Overdimensional and/or overweight vehicles being moved under Class C permits may require one or more escort vehicles. Escort requirements will be evaluated on a case by case basis and will be established by road width and condition, size of load, and other applicable features.
 3. Vehicles being moved under Class D permits may require escorts as determined by the requirements and procedures of R17-4-408(D).

**APPENDIX C
SIGN SPECIFICATIONS FOR OVERSIZE LOADS AND ESCORT VEHICLES**



APPENDIX E
TABLE OF RESTRICTED ROUTES AND ESCORT REQUIREMENTS

<u>ROUTE</u>	<u>FROM</u>	<u>TO</u>	<u>AT AND OVER</u> <u>A WIDTH OF</u>	<u>ESCORT - SPECIAL</u> <u>CONDITIONS</u>
US 60	Jct SR 61	Jct US 180	12	F/R
US 61	Jct US 60	Jct US 180	12	F/R
SR 61	Jct US 666	State Line	10	F/R
SR 64	Milepost 237.1	Jct US 89	12	F/R
US 66	Jct I-40 (W. Flag. TI)	Jct US 89	12	F/R
SR 67	Jct US A89	North Rim	10	F/R
SR 68	Jct SR 95	Jct US 93	12	F/R
SR 71	Jct US 60	Jct US 89	12	F/R
SR 72	Jct SR 95	Jct US 60	12	F/R
SR 73	Jct US 60	Jct Fort Apache Road	10	F/R
SR 77	Winkelman	Jct US 70	12	F/R
SR 77	Show Low	Holbrook	12	F/R
SR 78	Jct SR 75/US 666	State Line	12	F/R
US 80	Douglas	State Line	12	F/R
SR 82	Sonoita	Jct US 80	12	F/R
SR 83	Sonoita	Route End	10	F/R
SR 85	International Boundary	Ajo	12	F/R
SR 86	Why (Jct SR 85)	Jct SR 286	12	F/R
SR 87	MP 117.85 (McDowell)	Winslow	12	F/R
SR 88	Jct US 60 (Apache Jct)	MP 242.04 (Roosevelt)	(Over Legal)	See Note #1
SR 88	MP 242.04 (Roosevelt)	Jct US 60 (Miami)	12	F/R
US 89	Jct US 93	Jct SR 69 (Prescott)	12	F/R
US A89	Jct US 89 (Prescott)	Jct SR 179 (Sedona)	12	F/R
US A89	Jct SR 179 (Sedona)	Flagstaff	10	F/R
US A89	Jct US (Bitter Springs)	Jacob Lake	(Legal Only)	See Note #1
US A89	Jacob Lake	Fredonia	12	F/R
US 93	Hoover Dam	MP 1.02	10	F/R
US 93	Wikieup	Jct SR 97	12	F/R
SR 95	Quartzsite	MP 148.02	12	F/R
SR 95	MP 148.02	MP 154.88	10	F/R
SR 95	Topock	Needles Bridge Road	12	F/R
SR 96	Jct SR 97	Hillside	10	F/R
US 163	Jct US 160 (Kayenta)	State Line	12	F/R
SR 170	Jct US 70	Route End	12	F/R
SR 179	Jct Interstate 17	Sedona	12	F/R
US 180	Jct SR 64	Flagstaff	12	F/R
US 180	Jct US60 (Springerville)	Jct US 666 (Alpine)	12	F/R
SR 181	Jct US 666	Chiricahua Nat'l Monument	12	F/R
SR 186	Dos Cabezas (MP 342.92)	Jct SR 181	10	F/R
SR 187	Jct 387	Jct SR 87	12	F/R
SR 188	Jct SR 88 (Roosevelt)	MP 255.44	(Legal Only)	See Note #1
SR 188	MP 255.44	Jct SR 87	12	F/R
US 191	Jct Interstate 40	Jct US 160	12	F/R
SR 260	Jct SR 87 (Payson)	Jct SR 277 (Overgaard)	12	F/R
SR 260	Indian Pine (MP 357.47)	Jct US 180	12	F/R
SR 264	Jct US 160	MP 471.29	12	F/R
SR 273	Jct SR 260	Jct SR 260	10	F/R
SR 277	Jct SR 260 (Heber)	Jct SR 77 (Snowflake)	12	F/R
SR 286	International Boundary	Jct SR 86	12	F/R
SR 288	Jct SR 88	Route End (Near Young)	(Legal Only)	See Note #1
SR 289	Jct Interstate 19	Route End	10	F/R
SR 366	Jct US 666	Route End (Graham Peak)	(Legal Only)	See Note #1
SR 373	Jct SR 260	Route End	12	F/R
SR 377	Jct SR 277	Jct SR 77	12	F/R
SR 386	Jct SR 86	Kitt Peak	10	F/R
SR 473	Jct SR 260	Route End (Hawley Lake)	10	F/R
SR 564	Jct US 160	Route End	12	F/R
US 666	MP 173.18	Jct US 180 (Alpine)	(Legal Only)	See Note #1
US 666	Saint Johns	Jct Interstate 40	12	F/R

Note #1: Movements over legal size and weight will be considered under Class C permits only.

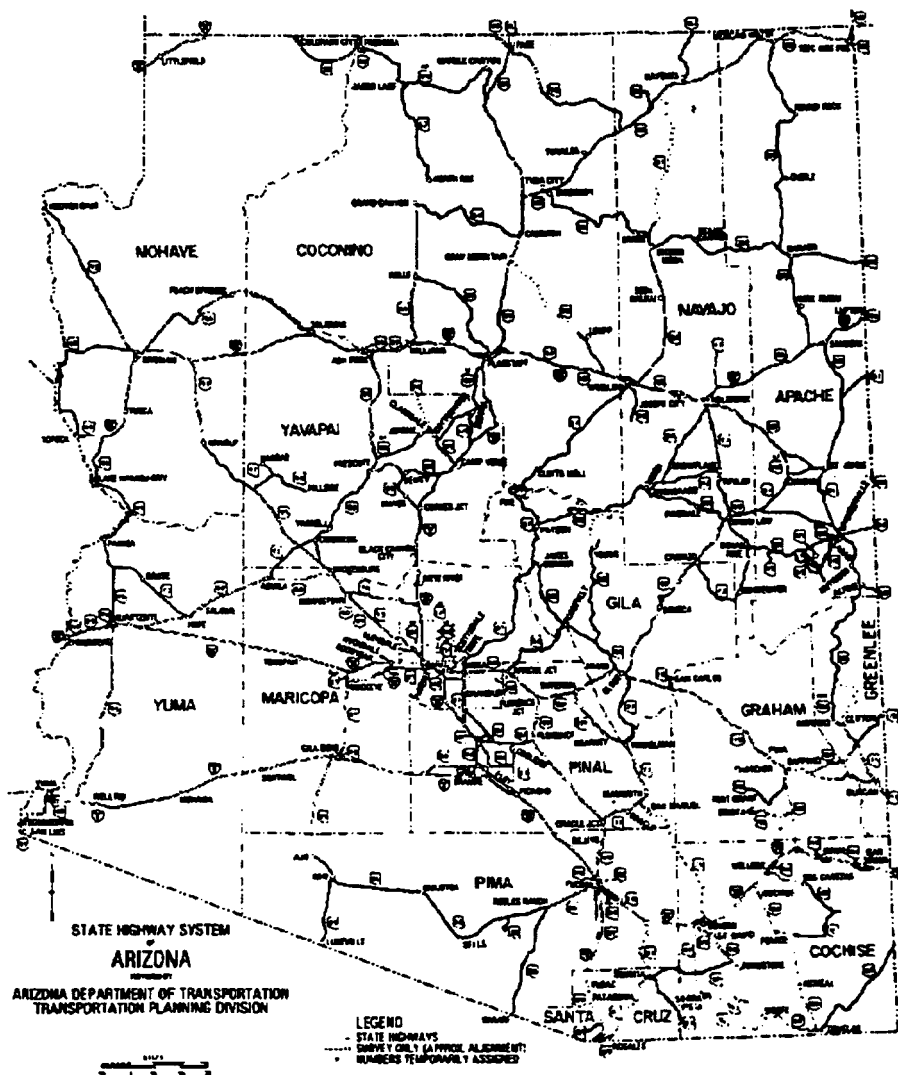
Abbreviations: MP - Milepost

F/R - Escorts at Front and Rear

Jct - Junction of Routes

APPENDIX E

ESCORT REQUIREMENTS FOR CLASS A PERMITS



Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-206 and Appendices C and E adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-206 renumbered without change as Section R17-4-411 (Supp. 87-2).

R17-4-412. Restrictions

A. Restrictions on use of permits.

1. A permit shall be issued only for "daylight hours" defined in A.R.S. § 28-922 (sunrise to sunset).
2. No permit shall be issued for movement on Saturday, Sunday or on the following national holidays: New Year's, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. If the above holiday falls on a Monday, the movement shall stop before noon the Friday preceding the national holiday.
3. Permits issued for operation of overweight vehicles whose loads are nonreducible, but which vehicles are capable of traveling at posted speed limits on the route to be followed, or for operation of trucks that do not exceed maximum lawful weight, height or length limitations but upon which is mounted a fixed boom of not more than seven feet beyond the front of the truck (provided however, the length of the truck and boom do not exceed 40 feet) are exempt from the restrictions of R17-4-412(A)(1) and (2) and R17-4-412(F)(10) and (12).
4. Overweight only vehicles or loads and trailers not over 10 feet in width, or not over 14 feet in height or of not more than 10 feet of rear overhang, may be granted continuous operation with a permit without reference to R17-4-412(A)(1) and (2).
5. Mobile cranes and drill rigs not exceeding 14 feet in height, 11 feet in width, or 10 feet in overhang may be

granted continuous operation without reference to R17-4-412(A)(1).

6. On permitted loads, no movement will be allowed during snow or icy conditions or any severe weather conditions which might cause such movement to become a hazard to traffic or damage the highways.
7. Each permit shall be issued for a single load over the route designated, from that point of origin to destination, except that when overdimensional unladen equipment is required for the purpose of transporting superheavy or nonreducible commodities, a single trip permit may be issued permitting the movement of unladen overdimensional equipment to pick up a load within the state and transport the load to destination within the state with superheavy or nonreducible commodities. Overdimensional equipment may be permitted to proceed or return to point of origin of movement within the state with a load thereon, provided such load is otherwise within legal limits for weight and dimension. Permits may not be issued to routinely transport legal loads on overwidth trailers.
8. Class C permits may be issued without reference to R17-4-412(A)(1) and (2). Each Class C permit will be evaluated on a case-by-case basis and applicable restrictions will be established by road width and condition, size of load, and any other applicable features.

B. Extensions for permits.

1. If the permittee finds, before or during the period covered by his permit, that the movement cannot be completed during that period, one (1) extension of time may be permitted upon request by the permittee.
2. When circumstances arise making necessary a change in vehicles during the time period covered by a permit, a different vehicle may be substituted for the disabled vehicle upon request by the permittee.
3. No change on a permit may be made by telephone except when an emergency exists as determined by the permit supervisor. All changes on permits must be made and signed by an authorized agent except as stated above.

C. Intracity movements.

1. A permit may be issued for movement which is to be made entirely within the limits of any incorporated city, or town, or between adjoining cities or towns and upon which state routes therein are required to be traveled to complete the movement subject to the following provisions:
 - a. The permit shall not be valid unless the requirements of the cities or towns which are involved are fully met.
 - b. No movement will be allowed on a state route within such jurisdiction if the move can be made by the use of alternate non-state routes within the city, town or county, if equally feasible.

D. Maximum loads permitted on bridges.

1. A permittee shall not cross a bridge with a load in excess of the posted load limit of such bridge. An applicant (permittee) desiring to use a route involving a posted bridge or bridges shall detour the bridge or bridges by the best available means or shall submit an alternate route for approval.
2. An auxiliary (jeep) axle or axles may be used in combination with a semitrailer unit to increase the gross capacity but the axle group load shall not exceed that set forth in R17-4-409. Such an auxiliary axle shall be properly registered with the Motor Vehicle Division and in combina-

tion with a semitrailer may be considered a full trailer for the purpose of operation upon the highway.

3. No permit will be issued under this rule where the movement of overweight vehicles requires crossing bridges that have been identified by the Assistant State Engineer, Structures Section, as bridges restricted to any vehicles that exceed legal or less than legal gross vehicular weights.

E. Speed and operating restrictions.

1. No vehicle or vehicles being operated under the conditions or a permit shall be operated at a speed in excess of that stated on the permit. Maximum allowable speed shall be 55 MPH or the posted limit, whichever is less.
2. The permit supervisor may restrict the speed of any vehicle or vehicles being operated on a permit when it is necessary to restrict operation to specific speeds in order to prevent traffic hazards or damage to the highway.
3. Where specifically noted on the permit, a vehicle or vehicles operating under the conditions of an overweight permit shall make a full stop before entering upon any designated bridge and proceed across the bridge at the speed stated on the permit. No changing of gears will be permitted on bridges, except in emergency situations.
4. Where specifically noted on the permit, no other vehicles shall be allowed on the bridge at the same time as the overweight vehicle or vehicles. An overweight vehicle or vehicles must travel in the center of bridge roadway when so noted on the permit.
5. Flaggers must be provided to stop all traffic to execute the operational requirements for R17-4-412(E)(4) and (5) above.
6. Every oversize and overweight vehicle shall maintain a minimum distance of 2,000 feet from any other oversize or overweight vehicle traveling in the same direction on the same highway except when passing.

F. General restrictions. When any vehicle or vehicles are being operated under the provisions of an overheight, overwidth or overlength permit, the following applicable restrictions may be shown on the permit.

1. All overwidth vehicles or loads exceeding nine feet in width shall display "OVERSIZE LOAD" signs.
2. All overwidth loads and vehicles must be flagged with red flags 12 inches square or larger on extremities.
3. All overwidth loads being transported which are over 14 feet wide shall be moved under Class C permits, and escort requirements shall be determined by an analysis of the load, roadway width and other operational conditions.
4. All overlength loads being transported which are over 120 feet in length shall be moved under Class C permits, and escort requirements shall be determined by an analysis of the load, roadway width and other operational conditions.
5. All overheight loads being transported which are over 16 feet in height shall be moved under Class C permits, and escort requirements shall be determined by an analysis of the load, roadway width, available vertical clearance and other operational conditions.
6. Overheight vehicles or loads operating under Class A permits shall guard against overhead wires, overhead highway facilities, and detour underpasses as required.
7. All loads or vehicles with an overhang in front or rear must be flagged or lighted as provided by A.R.S. § 28-935.
8. All loads or vehicles with an overhang of 20 feet or more in front require a front escort vehicle.

9. All loads or vehicles with an overhang of 20 feet or more in rear require a follow-up escort vehicle.
10. No oversize or overweight vehicles or loads will be authorized to use Interstate 17, 10, and State Route 360 within the various city limits of the Greater Phoenix area between the hours of 7 to 9 a.m. and 4 to 6 p.m.
11. No overheight vehicles or loads will be authorized to use Interstate 17 mainline through Phoenix between Northern Avenue and 19th Avenue.
12. No oversize or overweight vehicles or loads will be authorized to use Interstate 10 or 19 within the city limits of the Greater Tucson area between the hours of 7 to 9 a.m. and 4 to 6 p.m.
13. Alternate non-state routes shall be predetermined by the established rules and regulations of local authorities.
14. The permit supervisor may impose any additional restrictions to reduce traffic hazards.

G. Projecting loads -- Class A permits.

1. Loads which project from the side of hauling equipment (measured at right angles to the longitudinal axis of the hauling equipment) will be limited to a maximum of three feet of projection on either side of the hauling equipment, except for loads of less than 12 inches thickness measured vertically which will be limited to two feet of projection. Dunnage and blocking will be considered in the overall thickness of the load providing it extends to the full width of the load carried.
2. The hauling vehicle may not be altered by adding flaps or extensions to artificially increase its width in order to increase projection allowed in paragraph (1) above.
3. All bulldozer blades and dozer arms which are more than 14 feet (measured at right angles to the longitudinal axis of the hauling equipment) shall be removed and transported in a manner so that they will create no traffic hazard.
4. Equipment having dozer blades shorter than those described in paragraph (3) above, may be transported under permit without detaching the blade from the tractor provided the dozer blade is firmly supported.
5. Any loads or equipment not meeting the requirements of R17-4-412(G) may be permitted under a Class C permit.

H. Special restrictions -- Class A or D permits for mobile cranes and drill rigs.

1. The maximum overall length, including boom, shall not exceed 100 feet.
2. Maximum front boom overhang shall not exceed 30' beyond the foremost part of the front of the vehicle.
3. Extra attachments to the boom for the purpose of transferring load to meet weight requirements shall not be permitted. The standard working load block, hook and cable tension ball assembly, commensurate with the rated capacity of the crane, are considered as working components and will be considered in load transfer. Such components shall be identified in the certification as provided for in R17-4-408(D)(2).
4. Booms suspended forward shall be tied down to the framework or bumper, or otherwise secured, while traveling on any state routes.
5. The maximum rear boom overhang for a boom not supported on a boom dolly or trailer shall not exceed 45' from the rearmost part of the vehicle.
6. The boom shall not exceed 60 feet measured from the center of the boom hinge pin (foot pin) to the center of the head pin (sheave pin).

7. A trailer or dolly will be permitted only when the boom is attached to the crane upper works and is supported on the dolly or trailer.
8. Boom support cables must be slack with full weight of boom on the dolly or trailer.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-207 adopted as an emergency effective August 18, 1983, now adopted as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (A)(3) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-207 renumbered without change as Section R17-4-412. Correction: subsection (F), paragraph (6), "overweight" corrected to read: "overheight" (Supp. 87-2).

R17-4-413. Enforcement and liability

- A. Enforcement.** Permits shall be revoked for misuse. Vehicle and load shall be parked clear of traffic and remain standing until such time as all requirements of these rules are met and a new permit issued prior to resumption of movement. Flagrant violations may cause permittee to have permit privileges suspended, subject to an administrative hearing.
- B. Liability for damage to highways or appurtenances; security for damages.** Any damage done to the highways over which a permitted load is transported, including the roadway surface, signs, markers, railings, guards, delineators, overhead wires, structures and the like shall be paid for by the permittee causing said damage upon demand of the owner of the property damaged. To insure payment, the Department may require the applicant for a permit to show proof of insurance which will pay for such damage. If no such proof is furnished, a cash deposit or bond in a form approved by the Department, of at least \$1,000.00 shall be required.
- C. Saving the state harmless.** An applicant for a permit under these rules shall agree to hold the Director, the state of Arizona, and any of its departments, divisions, agencies, officers and employees harmless from all sums which the Director, the state of Arizona and any of its departments, divisions, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above damages arising out of the issuance of a permit under these rules or arising out of any movement made pursuant to the permit or caused by any negligent act or failure to act committed by the permittee or any person employed by the permittee or any others for whose action the permittee is legally liable. The above sums shall also include in the event of litigation, court costs, expenses of litigation and a reasonable attorney's fee.
- D. Appeal.** In the event the granting of a permit under these rules is refused, the applicant shall have the right to appeal to the Director, Arizona Department of Transportation by filing a written petition of appeal setting forth all facts pertaining to such application. Such appeal shall be made within ten days of the refusal of a permit and shall be heard by the Director as soon thereafter as can be conveniently done.
- E. Delegation of authority.** Be it further resolved that the administration of these rules shall be under the direction of the Director, Arizona Department of Transportation, and may be delegated by him to any Division of the Arizona Department of Transportation that he deems appropriate.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-208 adopted as an emergency effective August 18, 1983, now adopted without

change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-208 renumbered without change as Section R17-4-413 (Supp. 87-2).

R17-4-414. Envelope Permit Point System

A. The following definitions shall apply to this Section:

1. "Allowable weight" means the weight loading for a specific axle configuration or total weight which is within the limits set forth by rule and statute.
2. "Director" means the Assistant Director of the Arizona Department of Transportation, Motor Vehicle Division, or the Assistant Director's designee.
3. "Established or principal place of business" means an Arizona mailing address at which correspondence from the Director can be received and a physical site within Arizona at which business records are maintained.
4. "Final determination" means the conclusive resolution of the rights of the parties to an action beyond all appeal.
5. "Permitted load" means an overdimensional or overweight vehicle or cargo on the vehicle which is being transported pursuant to an envelope permit.
6. "Permitted speed" means the maximum speed allowed as shown on the envelope permit or 55 miles per hour, whichever is less.
7. "Permittee" means any entity which possesses an envelope permit.
8. "Posted speed" means the maximum speed allowed in a speed zone as designated by a sign within the zone.
9. "Reducible load" means a cargo which can be easily dismantled or divided.
10. "Restricted bridge structure" means a bridge which has been identified by the State Bridge Engineer, Arizona Department of Transportation Intermodal Transportation Division Bridge Group, as restricted to any vehicle that exceeds legal weight pursuant to A.R.S. § 28-1008, 28-1009, or 28-1009.01, or a lesser weight as designated by the State Bridge Engineer.
11. "Restricted highway" means a highway which has been identified by the Assistant State Engineer for Maintenance, Arizona Department of Transportation Intermodal Transportation Division, as restricted to any vehicle that exceeds legal weight pursuant to A.R.S. § 28-1008, 28-1009, or 28-1009.01, or a lesser weight as designated by the Assistant State Engineer.
12. "Violation" means a breach of the law for which a written warning, driver vehicle examination report, or citation is issued by a law enforcement officer and from which a court conviction may or may not result.

B. Point system. For the purpose of determining under A.R.S. § 28-1085.03 whether an envelope permit should be suspended or revoked, the following violations are each assigned the following points:

1. Minor violations - 1 point:
 - a. Improper or inadequate flagging pursuant to R17-4-411 and R17-4-412,
 - b. Improper or inadequate lighting pursuant to R17-4-411 and R17-4-412,
 - c. Improper or inadequate Oversize Load signs pursuant to R17-4-411 and R17-4-412,
 - d. Failure to remove or cover Oversize Load signs when not in use pursuant to R17-4-411,
 - e. Use of improperly equipped escort vehicle pursuant to R17-4-411,
 - f. Failure to maintain proper distance from another oversize payload pursuant to R17-4-412,
 - g. Escort vehicle not maintaining proper distance pursuant to R17-4-411, and

- h. Exceeding permitted speed but not exceeding posted speed pursuant to R17-4-412.
2. Major violations - 3 points:
 - a. Moving a permitted load on a curfew-restricted highway during curfew hours pursuant to R17-4-412;
 - b. Failure to display flags or lights when required pursuant to R17-4-412 and A.R.S. Title 28, Chapter 6, Article 16;
 - c. Failure to display Oversize Load sign when required pursuant to R17-4-412;
 - d. Exceeding the posted speed limit; and
 - e. Moving a reducible payload with a permit.
3. Weight Violations, 1-36 points:
 - a. Gross vehicle weight exceeds weight as allowed by R17-4-409, A.R.S. § 28-1008, 28-1009, or 28-1009.01:
 - i. Less than 2% over allowable weight - 1 point;
 - ii. 2% but less than 4% over allowable weight - 2 points;
 - iii. 4% but less than 6% over allowable weight - 3 points;
 - iv. 6% but less than 9% over allowable weight - 6 points;
 - v. 9% but less than 12% over allowable weight - 10 points;
 - vi. 12% but less than 15% over allowable weight - 18 points; and
 - vii. 15% or more over allowable weight - 36 points.
 - b. For each axle group exceeding weight as allowed by R17-4-0409, A.R.S. § 28-1008, 28-1009, or 28-1009.01:
 - i. Less than 4% over allowable weight - 1 point;
 - ii. 4% but less than 6% over allowable weight - 2 points;
 - iii. 6% but less than 9% over allowable weight - 4 points;
 - iv. 9% but less than 12% over allowable weight - 6 points;
 - v. 12% but less than 15% over allowable weight - 10 points; and
 - vi. 15% but less than 20% over allowable weight - 18 points.
 - vi. 20% or more over allowable weight - 36 points.
4. Flagrant Violations - 36 points:
 - a. Moving a permitted load on a highway made hazardous by inclement weather or when use of tire chains is mandatory pursuant to R17-4-412 or by order of a law enforcement agency;
 - b. Exceeding oversize limitations of weight (250,000 lbs), width (14 feet), height (16 feet), or length (120 feet);
 - c. Falsifying permit application;
 - d. Altering permit;
 - e. Failure to pay repair cost for damage done to a highway, highway structure, or highway appurtenance pursuant to R17-4-413 and A.R.S. § 28-1013;
 - f. Moving a permitted load on a restricted highway or restricted bridge structure; and
 - g. Failure to use required escort vehicles pursuant to R17-4-411.

C. Enforcement provisions.

1. Within 30 days of occurrence, each law enforcement agency shall forward a copy of each written violation of an envelope permit to: Motor Vehicle Division Central

Permits, 1801 W. Jefferson, Mail Drop 524M, Phoenix, Arizona 85007-3224.

2. When a permittee receives 14 or more points within any 12-month period for violation of applicable statutes, ordinances, or rules, the Director shall impose the following sanctions:
 - a. One-week suspension for 14-19 points,
 - b. Two-week suspension for 20-29 points,
 - c. Four-week suspension for 30-35 points, or
 - d. Up to 1-year suspension for over 35 points.
3. If there has been such frequency of violations of statutes, rules, or ordinances as to indicate a flagrant disregard for the law or the safety of the public, the permit shall be revoked for 2 years.
4. If the permittee does not have an established or principal place of business, the permit shall be revoked.
5. If the permittee failed or is failing to maintain records that are required to be maintained, the permit shall be revoked.
6. The permittee shall surrender the permit to the Director within 72 hours after an order of suspension or revocation becomes effective.
 - a. Failure to surrender the permit within 5 working days of oral or written demand by the Director shall result in a 1-year suspension of envelope permit privileges in addition to any other penalty assessed.
 - b. The Director shall retrieve the permit if the permittee fails to return the permit within the prescribed time.
7. The permittee shall not be entitled to the issuance of an envelope permit during the period of suspension or revocation.

D. Notice of assessment of points; Hearing and Appeal.

1. The assessment of points shall be preceded by a notice of intent to assess points. The notice shall be sent by 1st-class mail, postage prepaid, to the address of the permittee as shown on the application for an envelope permit.
2. The notice shall inform the permittee of the right to hearing on the assessment and the procedure for requesting a hearing.
3. The permittee may request a hearing within 15 days after date notice was mailed by mailing or delivering a written request to: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.
4. The points assessment shall become effective 25 days after the mailing date of the notice unless a request for hearing is received within 15 days of postmark date of notice.
5. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 41-1061 et seq. and A.A.C. R17-4-901 et seq.

E. Notice of Denial, Suspension, and Revocation; Hearing and Appeal.

1. A notice and order of suspension or revocation shall be sent by 1st-class mail, postage prepaid, to the address of the permittee as shown on the application.
2. The notice of suspension or revocation shall require the permittee to appear at a specified time and place to show cause why the envelope permit should not be suspended or revoked.
3. The permittee shall file a response within 15 days after postmark date of notice by mailing or delivering a written response to: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.
4. If a response to the notice and order of suspension or revocation is not received by the hearing office within 15

days of postmark date of notice and order, the order of suspension or revocation is final.

5. If the application for a permit is denied, the denial shall be sent by 1st-class mail, postage prepaid, to the address of the applicant as shown on the application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.
6. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 41-1061 et seq. and A.A.C. R17-4-901 et seq.
7. An applicant for an envelope permit who is denied a permit shall be allowed to reapply for an envelope permit. A permittee whose permit is revoked shall be allowed to reapply for an envelope permit after the revocation period has terminated. Upon reapplication, the applicant has the burden of showing by a preponderance of the evidence that the underlying cause for the revocation or denial has been removed.

F. Recordkeeping.

1. The permittee shall retain at place of business: bills of lading, shipping manifests, time cards, or invoices for all payloads moved pursuant to an envelope permit. Each record shall be retained for a period of 3 years from date of document.
2. The retained document shall contain, at a minimum, the following information:
 - a. The date the document was prepared,
 - b. The names of the shipper and receiver,
 - c. The origin and destination of the permitted load,
 - d. The dates the permitted load was in transit, and
 - e. The route used in transit.

Historical Note

Adopted effective December 18, 1995 (Supp. 95-4).

R17-4-415. Reserved

R17-4-416. Reserved

R17-4-417. Reserved

R17-4-418. Reserved

R17-4-419. Reserved

R17-4-420. Private carrier manifests

On and after the 16th day of July 1956, all private carriers shall, in addition to the requirement of A.R.S. § 40-654, leave a copy of all manifests and/or delivery instructions or other similar documents at the Motor Vehicle Checking Station at point of entry.

Historical Note

Former Rule, General Order 58. Former Section R17-4-21 renumbered without change as Section R17-4-420 (Supp. 87-2).

R17-4-421. Mobile home - highway 93 restrictions

No mobile homes exceeding ten feet in width shall be moved between the Arizona-Nevada State Line and milepost 14.80 of state highway Route 93.

Historical Note

Former Rule, General Order 79. Former Section R17-4-33 renumbered without change as Section R17-4-421 (Supp. 87-2).

R17-4-422. Definition of agricultural products

For the purposes of A.R.S. §§ 28-412.5(B), 28-501(I) and 28-1238, the term "Agricultural Products" means plants, animals and plant or animal products produced in farming operations that are in their unmanufactured or unprocessed states.

Historical Note

Adopted as an emergency effective July 29, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 12, 1986 (Supp. 86-1). Former Section R17-4-73 renumbered without change as Section R17-4-422 (Supp. 87-2).

R17-4-423. Mobile homes - prepaid oversize permits

- A.** Mobile homes exceeding maximum size limits, but not in excess of 14 feet in width, that are to be moved on highways under the jurisdiction of the Department of Transportation shall have an Arizona Department of Transportation oversize permit for each single move. These permits shall be acquired through a prepaid method.
- B.** Requirements.
- Only Arizona base-plated, licensed, mobile home dealers, transporters and manufacturers shall move oversize mobile homes.
 - All applicable Ad Valorem taxes and fees shall be paid to date. Proof shall be provided through the county assessor of the county in which the mobile home is located.
 - The assessor shall, upon request, issue a clearance form which indicates all fees and Ad Valorem taxes have been paid.
 - This clearance shall be valid for no more than 30 days.
 - All dealer operations authorized under a single license and dealer bond and all transporter operations authorized under a single license and bond shall be considered as single operations, regardless of the number of locations from which vehicles are dispatched or at which locations prepaid permits are completed.
- C.** Applications for prepaid oversized permits. Request for permits shall be made by completing an Arizona Department of Transportation application. Applications shall be available at all ADOT permit offices. The applications shall include the following information:
- Date;
 - Name of applicant;
 - Dealer/transporter/manufacture licensing number;
 - Motor Carrier number;
 - Use Fuel number;
 - Addresses and phone numbers of the business/firm and their satellite offices;
 - Names, addresses, telephone numbers and signatures of those employees designated by the employer to have signature authority;
 - The dealer, transporter or manufacturer shall designate which of their employees have the authority to sign oversize mobile home permits.
 - The employer shall notify the Motor Vehicle Division, permit office in writing when the signature authority has been terminated.
 - The towing vehicle make, license number, type and weight class;
 - Permit numbers issued by the Arizona Department of Transportation;
 - A statement that denotes applicant has read Arizona rule R17-4-423;
 - The applicant's signature.
- D.** Prepaid oversize permits.
- Permits are purchased at any Arizona Department of Transportation permit office or by mail from: Motor Vehicle Division, Permit Section, 1801 West Jefferson (Lobby), Phoenix, Arizona 85007.
 - Postage costs shall be borne by the applicant.
 - Permits shall be issued in books of 50 sets. A set shall have an original and two copies and shall cost \$15.00 each, totaling \$750.00 per book.
- E.** The dealer, transporter or manufacturer shall complete one permit set for each movement of an oversize mobile home prior to the actual movement. The permit set shall include:
- The origin and destination,
 - The exact route to be traveled,
 - The mobile home serial number,
 - The towing vehicle license number,
 - The length and width of the mobile home,
 - The combined length of the mobile home and the towing vehicle,
 - The name of the registered owner of the mobile home.
- E.** Permit distribution. The permit set shall be distributed as follows:
- The original shall be mailed to the Motor Vehicle Division permit office on the day of issuance.
 - If a clearance form from the county assessor has been provided, it shall be attached to this copy of the prepaid permit.
 - The clearance shall indicate that all Ad Valorem taxes and fees are satisfied.
 - The first copy (yellow) shall be affixed to the rear window of the oversize mobile home, or if there is no rear window, it shall be affixed to the rearmost left side window and shall be clearly visible from outside the vehicle.
 - The second copy shall be retained in the original binding and shall be submitted to the Motor Vehicle Division permit office immediately following completion of the entire book of permit sets.
- F.** Validity. The permit shall be valid for 96 hours or four days. If the mobile home is taken out-of-state during this period of time, the permit shall no longer be valid.
- G.** Restricted routes. Dealers, transporters and manufacturers shall insure compliance with the specifications as listed in the Table of Restricted Routes and Requirements as set forth in rule R17-4-411 (Appendix E).
- H.** Enforcement. The driver of a towing vehicle moving an oversize mobile home shall, upon request of any peace officer or motor vehicle officer, surrender the oversize permit for inspection.
- Permits which are incomplete, not properly filled out or not signed by the appropriate designee shall be deemed void.
 - Further movement shall not be allowed, except as directed by the officer for the safety of the motoring public and the orderly operation of traffic, until a new permit has been approved and issued by the Motor Vehicle Division permit office.
- I.** Penalties. Any dealer or employee, transporter or employee, manufacturer or employee who fails to comply with the provisions of this rule or who does not comply with the provisions set forth in rule R17-4-411 and R17-4-412, while moving a vehicle authorized by the completion of a prepaid permit, shall have the privilege of using such permits suspended by the Director of Motor Vehicle Division for a period of one year. A second such failure of compliance shall result in a permanent revocation of the privilege of the use of prepaid permits.
- J.** Permit Denials. The Director may deny permits:
- When movement of a mobile home would be on those highways which would not bear the weight or accommodate the size of the vehicle.

2. When the mobile home is routed over highways under repair.
3. When movement would be impaired due to hazardous weather conditions.
4. When required fees and taxes have not been paid.

K. Appeal.

1. When a request for a prepaid permit set is denied, the applicant shall have the right to appeal by submitting a written petition to the Director of the Department of Transportation within ten days of the denial. The petition shall include the following:
 - a. Name and address of applicant,
 - b. Date,
 - c. Date of denial,
 - d. A brief description of the reasons applicant believes the request should not have been denied.
2. The Director's decision in this matter shall be final.

Historical Note

Former Rule, General Order 94. Former Section R17-4-38 renumbered without change as Section R17-4-423 (Supp. 87-2). Section R17-4-423 repealed, new Section adopted effective February 21, 1990 (Supp. 90-1).

R17-4-424. Oversize permits - round trip authority

Each permit shall be issued for a single trip and single load over the route designated, from the point of origin to destination, except that when overdimensional unladen equipment is required for the purpose of transporting superheavy or nonreducible commodities, a single trip permit may be issued permitting the movement of unladen overdimensional equipment to pick up a load within the state and to transport the load to destination within the state. When movement originates with vehicles loaded within the state with superheavy or nonreducible commodities, overdimensional equipment may be permitted to return to point of origin of movement within the state with the vehicle owner's equipment loaded thereon, provided such load is otherwise within legal limits for weight and dimension, and provided further that no such load shall consist of anything other than equipment actually owned by, or leased to (but not for purposes of such transportation) the owner of the overdimensional vehicle.

Historical Note

Former Rule, General Order 99. Former Section R17-4-40 renumbered without change as Section R17-4-424 (Supp. 87-2).

R17-4-425. Overheight permits**A. Applicability of rules:**

1. These rules apply to the movement of any vehicle or combinations thereof, which exceed the laden height allowed by law.
2. A permit issued under authority of these rules shall not allow the holder thereof to move such vehicle or combinations thereof, if it or they exceed maximum lawful width, weight or overhang.

B. Conditions of permit, class and cost of permits:

1. Excess height vehicle and load may not exceed 14 feet in height when laden.
2. The issuance of permits under authority of law and these rules or the furnishing of information regarding overhead structures or limitations of overhead clearance shall not be construed by the permittee as relieving the permittee, his agent, employee or any other person acting on his behalf, from the responsibility of insuring the permitted vehicle or load may safely pass under such overhead structures or other limitations of overhead clearance.
3. There shall be two classes of permits as follows:

- a. Annual, which shall be valid for one year from date of issuance.
- b. Single Trip, which shall be valid for one movement only. This permit shall expire upon the completion of the movement or four days from date of issuance, whichever first occurs.

C. Who shall issue permits: There is hereby designated a Permit Supervisor and such other employees of the Department as are necessary to carry out the provisions of these rules and who are authorized to issue permits when provisions of these rules have been met.

D. Applications for permit:

1. Applications shall be made on a form prescribed by the Department and signed by the carrier or its authorized agent.
2. Permits granted hereunder are valid only on state routes (whether designated as state or federal highways) and the right to use county highways or city streets is neither granted or implied. Permits for use other than state routes shall be procured from the proper local authority.
3. Permits shall contain the following information:
 - a. Make of motor vehicle
 - b. Arizona or home state license number
 - c. Vehicle ID number
 - d. Unit number
 - e. Owner
 - f. Address
 - g. Detailed description of any other vehicles to be part of the load or the load to be transported, if the application is for a Single Trip permit.

E. Restrictions on use of permit:

1. Permits issued are only valid for the motor vehicle specified on the permit and are not transferable.
2. Vehicle and load must comply with legal width, length, overhang and weight requirements as listed in A.R.S. Title 28, Chapter 6, Article 18.
3. Permits shall be revoked for misuse.
4. It shall be the responsibility of the permittee to detour all structures under which the permitted vehicle or load may not safely pass.

F. Liability for damage to highways or appurtenances; security for damages: Any damage done to the highways over which a permitted load is transported, including the roadway surface, markers, signs, railing guards, delineators, overhead wires, structures and the like shall be paid for by the permittee causing said damage upon demand of the owner of the property damaged. To insure payment, the Director, Department of Transportation, may require the applicant for a permit to show proof of insurance which will pay for such damages. If no such proof is furnished, a cash deposit or bond, in a form approved by the Director, Department of Transportation, of at least \$1,000.00 shall be required.

G. Saving the state harmless: An applicant for a permit under these rules shall agree to hold the Director, Department of Transportation, State of Arizona and any of its departments, divisions, agencies, officers and employees harmless from all sums which this Director, Department of Transportation, State of Arizona, and any of its departments, divisions, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for damages arising out of the issuance of a permit under these rules or arising out of any movement made pursuant to the permit or caused by any negligent act or failure to act committed by the permittee or any person employed by the permittee or any others for whose act the permittee is legally liable. The above sums shall

also include, in the event of litigation, court costs, expenses of litigation and a reasonable attorney's fee.

- H.** Appeal: In the event the granting of a permit under these rules is refused, the applicant shall have the right to appeal to the Director, Department of Transportation, by filing a written petition of appeal setting forth all facts pertaining to such application. Such appeal shall be made within ten days of the refusal of permit and shall be heard by the Director as soon thereafter as can be conveniently done.

Historical Note

Former Section R17-4-53 renumbered without change as Section R17-4-425 (Supp. 87-2).

R17-4-426. Multiple trailer combination permits

A. Permit procedure.

1. Applicants requesting permits to operate multiple trailer combinations must obtain and have on file an annual "Certification of Compliance with Regulations" prior to issuance of any permits to operate multiple trailer combinations.
2. Applicants may obtain "Certification of Compliance with Regulations" by writing to:
Arizona Department of Transportation
Motor Vehicle Division
Oversize Permit Section
1801 West Jefferson
Phoenix, Arizona 85007
3. Upon receipt of the application and a copy of rules and regulations, the applicant must submit the application in triplicate. When approved, the original will be placed on file with the Motor Vehicle Division, the duplicate will be forwarded to Port of Entry, and the triplicate will be returned to the applicant.
4. Upon return receipt of the approved "Certification of Compliance with Regulations," applicants may apply for and obtain permits authorizing the operation of combinations of vehicles not over 105 feet in length at the Port of Entry upon entering the state.
5. Permits will be issued at the Port of Entry only, except for prepaid permits.
6. Prepaid permits may be obtained from the Permit Section in pads which contain 25 permits each, at a fee as prescribed in the A.R.S. § 28-1011(G). Applicant will complete all information required except issue and expiration dates. The original and the vehicle copy will be presented at the Port of Entry for validation, and the original will be mailed to the Permit Section by the Port of Entry.
7. Types of permits.
 - a. Single trip valid for one specific trip only.
 - b. Thirty day permits valid for 30 days from date of issue.
 - c. Fees shall be prescribed in the A.R.S. § 28-1011(G).

B. General:

1. No multiple trailer combinations under the provisions of this rule will be permitted unless covered by a Special Transportation Permit issued to the operating company by the Department of Transportation. No driver may operate such a combination unless he meets the criteria established in subsection (E).
2. Any Special Transportation Permit shall be revoked by the Arizona Department of Transportation for failure of the company or any of its drivers to comply with the rules and regulations contained herein. Multiple violations by a company may result in a suspension of the company's privilege to operate multiple trailer combinations. Notice of suspension will be by certified mail. Appeal of suspen-

sion will be in accordance with subsection (M) of these rules. In addition to these specific rules, all equipment operated, all drivers employed, and all operating procedures must comply with the Motor Carrier Safety Regulations, Parts 390 - 397, U.S. Department of Transportation, Federal Highway Administration, and subsequent changes thereto, except where the rules contain special instructions which are more stringent than and not in conflict with the Motor Carrier Safety Regulations.

3. Any company approved to operate multiple trailer combinations under a Special Transportation Permit must provide the Arizona Department of Transportation with such reports and data on accidents, safety inspections, equipment, and any other information the Department may require.
 4. No Special Transportation Permit will be issued to any company which does not have an established and aggressive safety program.
 5. Multiple trailer combinations operating under a Special Transportation Permit shall be limited only to interstate highways within this state that connect with two states which both allow multiple trailer combinations and such interstate highway does not exceed forty miles between the connecting states.
 6. The Arizona Department of Transportation, through its agents and the Department of Public Safety, may restrict or prohibit operations during times or periods when, in their judgment, traffic, weather, or other safety considerations make such operations unsafe or inadvisable. Triple trailers shall not be dispatched during adverse weather or pavement conditions. Movement is prohibited when road surfaces, due to ice, snow, frost or rain, present a condition which may be hazardous to the combination or to other highway users.
- C.** Equipment: In addition to paragraph (1) above, the following rules will apply to all units in the combination as applicable:
1. Power. All truck tractors shall be powered to provide adequate acceleration ability and hill climbing ability under normal operating conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 20 m.p.h., under normal operating conditions on any grade over which the combination is operated, is required.
 2. Traction. All truck tractors shall have adequate traction to maintain a minimum speed of 20 m.p.h. under normal operating conditions on any grade over which the combination is operated and to be able to resume a speed of 20 m.p.h. after stopping on any such grade and, except in extreme road or weather conditions, to negotiate at any legal speed all grades encountered.
 3. Tires. Conventional 12-ply tires which give a "hard" ride are recommended. The use of so-called low pressure or extra width tires are prohibited unless approved by the Arizona Department of Transportation.
 4. Fifth wheel. A heavy duty fifth wheel is required. All fifth wheels must be clean and lubricated with a light duty grease prior to each trip. The fifth wheel must be located in a position which provides adequate stability.
 5. Pickup plates. Pickup plates must be of equal strength to the fifth wheel.
 6. King pin. The king pin must be of a solid type and permanently fastened. Screw out or folding type king pins are prohibited.
 7. Pintle hook and eye. All hitch connections must be of a no-slack type, preferably air-actuated ram. Air-actuated

- hitches which are isolated from the primary air transmission system are recommended.
8. Drawbar. The drawbar length should be the practical minimum consistent with the clearances required between trailers for turning and backing maneuvers.
 9. Axles. Axles must be those designed for the width of the body.
 10. Brakes. All braking systems must comply with the state and federal requirements. In addition, fast air transmission and release valves must be provided on all semitrailer and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Indiscriminate use of engine retarder brakes is prohibited.
 11. Mud flaps or splash guards. As required in A.R.S. § 28-958.01.
- D. Combinations:** The following multiple trailer combinations, when approved by the Director, Arizona Department of Transportation, may be operated under a Special Transportation Permit. All multiple trailer combinations listed below must have at least six axles and not more than nine axles and shall consist of not more than three cargo units.
1. A truck tractor, semitrailer and two trailers, which have an overall combination length not to exceed 105 feet. A semitrailer used with a converter dolly is considered to be a trailer. Semitrailers and trailers must be of approximately equal length.
 2. A truck and two trailers which have an overall combination length not to exceed 105 feet. The trailers must be of approximately equal length.
 3. A truck tractor and two trailers of approximately equal length having an overall combination length not to exceed 105 feet.
 4. A truck tractor and two trailers, one of which cannot exceed 45 feet and the other which cannot exceed 29 feet nor be less than 26 feet, having an overall combination length not to exceed 90 feet. The lighter trailer must always be operated as the rear trailer except when the gross weight differential with the other trailer does not exceed 5,000 pounds.
 5. An auto transporter combination consisting of a truck and two stinger steered semitrailers not to exceed 105 feet in overall length.
- E. Drivers:**
1. The driver must fully comply with the driver's requirements set forth in the Motor Carrier Safety Regulations of the U.S. Department of Transportation and Title 28, Arizona Revised Statutes.
 2. The driver must have had special instruction and training in the operation of any multiple trailer combination as listed in paragraph 391.31(d), Motor Carrier Safety Regulations, prior to operating any such combination on a highway.
The driver will be trained by an experienced triple trailer driver through special instructions or by traveling with the new driver until such time as he is deemed adequately qualified on the use and operation of triple trailer combinations.
 3. The driver must be a paid employee of the company holding the Special Transportation Permit under direct supervision and responsibility of the company.
 4. The responsibility for strict compliance with these driver requirements shall be borne equally by both the driver and the company.
- F. Speed:** The maximum speed for any multiple trailer combination under a Special Transportation Permit shall not exceed legal or the posted speed limit if lower.
- G. Stability:** All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than three (3) inches to either side when the towing vehicle is moving in a straight line.
- H. Weight restrictions:** The weight on any single axle or tandem axles shall not exceed the weights in accordance with A.R.S. § 28-1009.01, the total gross weight of the vehicle cannot exceed that which is provided in the following formula, or 111,000 pounds, whichever is less.
- $$W = 500(LN/N-1 + 12N + 36)$$
- W = Overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.
- L = Distance in feet between the extreme of any group of two or more consecutive axles, when fraction is 1/2 foot or more the next larger number will be used.
- N = Number of axles in the group under consideration.
- I. Operational procedures:** The following operating restrictions shall be met by all vehicle combinations governed by these rules:
1. Minimum distance of five hundred (500) feet shall be maintained between combinations and other trucks except when overtaking and passing. In the event that the volume of other faster moving vehicles traveling in the same direction becomes heavy, the minimum distance between combinations shall be increased to increase the safety of passing maneuvers.
 2. Except when passing another vehicle traveling in the same direction, all multiple trailer combinations shall be driven in the right-hand traffic lane.
 3. When disabled for any reason other than an accident, it should be parked off the pavement or as far off the travelway as possible.
- J. Accidents:** Notwithstanding other state and federal requirements for reporting motor vehicle accidents, all reportable accidents involving a multiple trailer combination operated under a Special Transportation Permit must be reported to the Permit Section within ten days of the date of the accident.
- K. Liability for damage to highways of appurtenances; security for damages:** Any damage done to the highways over which a permitted load is transported, including the roadway surface, signs, markers, railings, guards, delineators, overhead wires, structures and the like shall be paid for by the permittee causing said damage upon demand of the owner of the property damaged. To insure payment, the Department may require the applicant for a permit to show proof of insurance which will pay for such damages. If no such proof is furnished, a cash deposit or bond, in a form approved by the Department, of at least \$1,000.00 shall be required.
- L. Saving the state harmless:** An applicant for a permit under these rules shall agree to hold the Director, the State of Arizona and any of its departments, divisions, agencies, officers and employees harmless from all sums which the Director, the State of Arizona and any of its departments, divisions, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for damages arising out of the issuance of a permit under these rules or arising out of any movement made pursuant to the permit or caused by any negligent act or failure to act committed by the

permittee or any person employed by the permittee or any others for whose action the permittee is legally liable. The above sums shall also include, in the event of litigation, court costs, and a reasonable attorney's fee.

- M.** Appeal: In the event the granting of a permit under these rules is refused, the applicant shall have the right to appeal to the Director, Arizona Department of Transportation by filing a written petition of appeal setting forth all facts pertaining to such application. Such appeal shall be made within ten days of the refusal of a permit and shall be heard by the Director as soon thereafter as can be conveniently done. Be it further resolved that the administration of these rules shall be under the direction of the Director of Transportation and may be delegated by him to the Division of the Arizona Department of Transportation that he deems appropriate.

Historical Note

Adopted effective January 12, 1977 (Supp. 77-1).
Amended subsections (A), (C), (D), and (H) effective January 23, 1981 (Supp. 81-1). Former Section R17-4-55 renumbered without change as Section R17-4-426 (Supp. 87-2).

R17-4-427. Movement of a vehicle laden with watercraft; special permit

A. Applicability of this rule:

1. These rules apply to the movement of any vehicle laden with a watercraft, as defined by A.R.S. § 5-301, upon the public highways if the total outside width of the vehicle and watercraft exceeds eight (8) feet but does not exceed ten (10) feet.
2. Pursuant to A.R.S. § 28-1002 as amended, effective August 27, 1977, the Assistant Director for the Motor Vehicle Division, Arizona Department of Transportation may, upon application in writing by the owner upon a form furnished by the Division, issue an annual permit for the movement of a vehicle laden with a watercraft not exceeding ten (10) feet in width, upon payment of an annual permit fee as prescribed in A.R.S. § 28-1002(D).
3. Movement of watercraft exceeding ten (10) feet in width shall be as prescribed in rule R17-4-51 (repealed).
4. Any watercraft in excess of eight (8) feet for which a single trip oversize permit is required shall be governed by rule R17-4-51 (repealed).
5. The special excess width permit shall not allow the holder thereof to move such a vehicle or combination thereof, if it or they exceed maximum weight, length or height permitted by law; and, shall be governed by the provisions of A.R.S. § 28-1011.

B. Restrictions on use of permits:

1. A vehicle for which a permit has been issued shall be equipped with brakes as prescribed in A.R.S. § 28-952.
2. Permits granted hereunder are valid only on State Routes (whether designated as state or federal highways) described in the permit by State Route number or otherwise. Crossing the state or federal highways shall not be deemed to be traveling on a state or federal highway, and the right to use county highways or city streets is neither granted nor implied. Permits for use of other than State Routes designated on the permit shall be procured from the proper local authority.
3. Permit applications for watercraft subjects to registration will be approved only when such watercraft are properly registered with the Arizona Game and Fish Department in accordance with the applicable laws of this state.
4. Trailers laden with watercraft. Permit application will be approved only when such trailers are properly registered

with the Arizona Department of Transportation, Motor Vehicle Division. Permits issued are only valid for the trailer specified on the permit and are not transferable.

5. A permit shall be issued only for "daylight hours" as defined in A.R.S. § 28-922 (sunrise to sunset).
6. No permit shall be issued for movement on Saturday, Sunday, or on the following national holidays: New Year's, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. If the holiday falls on a Monday, the movement shall stop before noon the Friday preceding the national holiday.
7. The provisions of paragraph (6) shall not apply if the movement is within ten (10) miles of a launch area constructed and maintained for the purpose of launching and retrieving watercraft.

C. General restrictions:

1. When any vehicle or vehicles are being operated under the provisions of a special excess width permit, the following applicable restrictions shall be shown on the permit. In addition, the Assistant Director may impose any additional restrictions which are indicated to reduce traffic hazards:
 - a. All overwidth vehicles or loads nine (9) feet wide or over shall display "Oversize Load" signs.
 - b. All overwidth loads and vehicles must be flagged with red flags twelve (12) inches square or larger on all extremities.
 - c. No oversize vehicles or loads will be authorized to use Interstate 17 and 10 through Phoenix between Bell Road and Baseline Road between the hours of 7:00 A.M. to 9:00 A.M., and 4:00 P.M. to 6:00 P.M.
 - d. No oversize vehicles or loads will be authorized to use Interstate 10 or 19 within the city limits of Tucson between the hours of 7:00 A.M. to 9:00 A.M., and 4:00 P.M. to 6:00 P.M.
 - e. Alternate routes within city limits shall be predetermined by the established rules and regulations of local authorities.

D. Oversize load signs:

1. Whenever in these rules an "Oversize Load" sign is required, it shall comply with the sign specifications shown in Appendix A of these rules.
 - a. The oversize load sign shall be mounted on the rear-most of the watercraft or vehicle on which the watercraft is loaded in such a manner as to be clearly visible.
2. Oversize load signs shall be removed or entirely covered when not in use.
3. The present "Wide Load" worded signs will be acceptable until January 1, 1978.

- E.** Liability for damage to highways or appurtenances; security for damages: Any damage done to the highways over which a permitted load is transported, including the roadway surface, markers, signs, railings, guards, delineators, overhead wires, structures and the like shall be paid for by the permittee causing such damage upon demand of the owner of the property damaged. To insure payment, the Assistant Director for the Motor Vehicle Division, Arizona Department of Transportation, may require the applicant for a permit, to show proof of insurance which will pay for such damages. If no such proof is furnished, a cash deposit or bond, in a form approved by the Assistant Director for the Motor Vehicle Division, Arizona Department of Transportation, of at least \$1,000.00 shall be required.

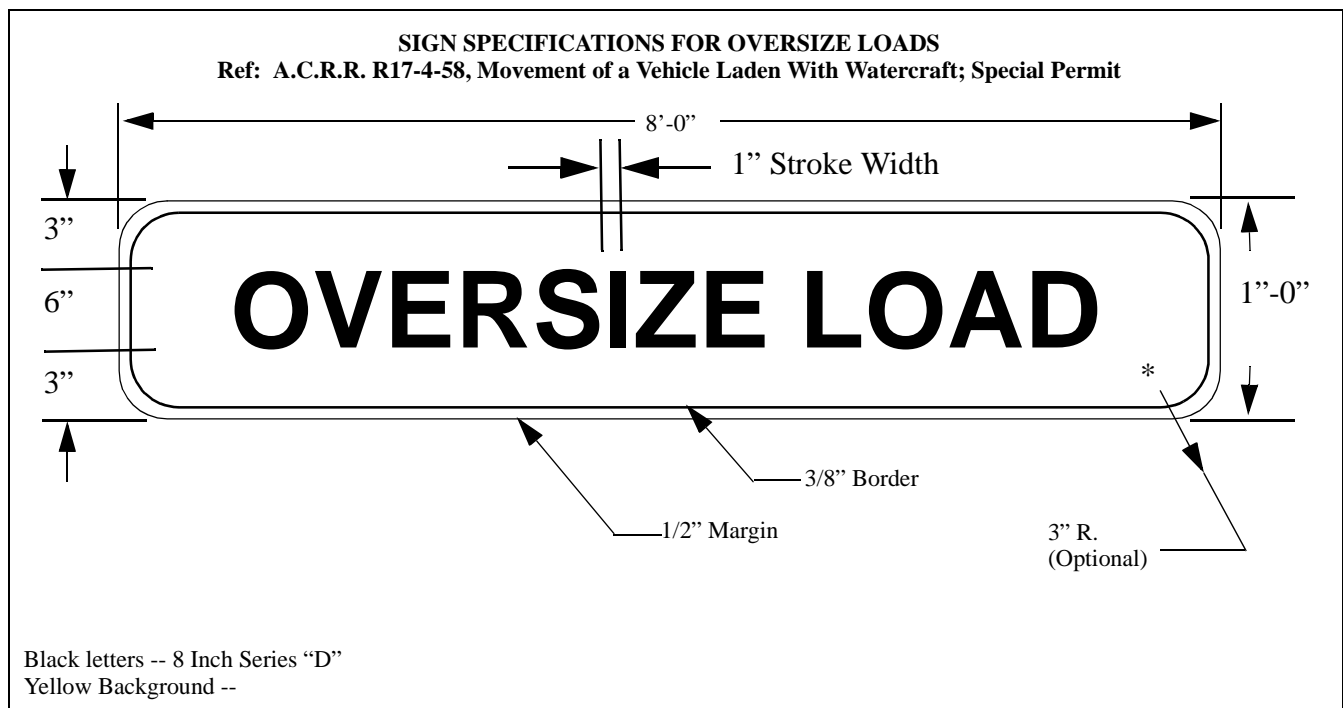
- F.** Saving the state harmless: An applicant for a permit under these rules shall agree to hold the Assistant Director for the

Department of Transportation - Motor Vehicle Division

Motor Vehicle Division, Arizona Department of Transportation, State of Arizona and any of its departments, divisions, agencies, officers and employees harmless from all sums which this Assistant Director, the Director of the Arizona Department of Transportation, State of Arizona, and any of its departments, divisions, agencies, officers or employees may be obligated to pay by reason of any liability imposed upon any of the above for damages arising out of the issuance of a permit under these rules or arising out of any movement made pursuant to the permit or caused by any negligent act or failure to act committed by the permittee or any person employed by the permittee or any others for whose act the permittee is legally liable. The above sums shall also include in the event of litigation, court costs, expenses of litigation and a reasonable attorney's fee.

- G. Appeal: In the event the granting of a permit under these rules is refused, the applicant shall have the right to appeal to the Assistant Director for the Motor Vehicle Division, Arizona Department of Transportation, by filing a written petition of appeal setting forth all facts pertaining to such application. Such appeal shall be made within ten (10) days of the refusal of permit and shall be heard by a hearing officer appointed by the Assistant Director for the Motor Vehicle Division, Arizona Department of Transportation as soon thereafter as can be conveniently done.
- H. The provisions of rule R17-4-51 (repealed): Relating to the movement of oversized and overweight vehicles, shall likewise apply to the movement of motor vehicles laden with watercraft.

APPENDIX A



Historical Note

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-58 renumbered without change as Section R17-4-427 (Supp. 87-2).

R17-4-428. Reserved

R17-4-429. Reserved

R17-4-430. Reserved

R17-4-431. Reserved

R17-4-432. Reserved

R17-4-433. Reserved

R17-4-434. Reserved

R17-4-435. Motor Carrier Safety: Adoption of Federal Regulations; Definitions; Application

- A. The Motor Vehicle Division adopts 49 CFR 390, 391, 392, 393, 395, 396, 397, and 399 published October 1, 1993, (and no later amendments or editions) incorporated by reference

and on file with the Division and the Office of the Secretary of State as amended by these rules.

B. Definitions.

1. "Bureau of Motor Carrier Safety" means the Department of Transportation.
2. "Co-applicant" means an employer or potential employer.
3. "Division" means the Motor Vehicle Division, Department of Transportation.
4. "Division Director" means the Assistant Director of the Department of Transportation for the Motor Vehicle Division or the Assistant Director's designated agent.
5. "Waiver Board" means 4 individuals appointed by the Division Director to make recommendations on applications for intrastate waivers.
6. "49 CFR" means Title 49, Code of Federal Regulations.

- C. Application. The regulations of 49 CFR, incorporated by sub-

section (A) apply as amended by R17-4-435.01 through R17-4-435.04 to:

1. Motor Carriers as defined in A.R.S. § 28-2401 except motor carriers transporting passengers for hire in a vehicle with a design capacity of 6 or fewer individuals.
2. All vehicles owned or operated by the state, a political subdivision, or a public authority of the state, which are used to transport hazardous materials in an amount requiring the vehicle to be marked or placarded pursuant to R17-4-436.

Historical Note

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-63 adopted as an emergency now adopted and amended as a permanent rule effective October 8, 1982 (Supp. 82-5). Amended effective August 19, 1983 (Supp. 83-4). Correction to amendments shown effective August 19, 1983. The subsection "IT IS ORDERED: --" was also amended effective August 19, 1983, but not shown (Supp. 83-5). Amended effective February 18, 1986 (Supp. 86-1). Amended effective May 12, 1986 (Supp. 86-3). Adding Historical Note for Supp. 87-1, "Amended effective February 28, 1987". Former Section R17-4-63 renumbered as Section R17-4-435 and amended by adding a new subsection (C) effective April 7, 1987 (Supp. 87-2). Amended by adding paragraph (20) in subsection (B) and renumbering accordingly effective March 23, 1989 (Supp. 89-1). Amended as an emergency effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency amendments re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; permanent amendments adopted effective May 18, 1990 (Supp. 90-2). Section R17-4-435 repealed, new Section R17-4-435 adopted effective October 24, 1990 (Supp. 90-4). Emergency amendments effective November 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4) Emergency expired. Emergency amendments readopted effective May 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended and renumbered to R17-4-435 and R17-4-435.01 through R17-4-435.04 effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4).

R17-4-435.01 Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General Applicability and Definitions; General Requirements and Information

49 CFR 390, as incorporated in these rules, is amended as follows:

1. 49 CFR 390.3 General applicability.
 - a. Paragraph (a) is amended to read:

The regulations adopted in this rule are applicable to all motor carriers operating in Arizona and all vehicles owned or operated by the state, a political subdivision, or a public authority of the state, which are used to transport hazardous materials in an amount requiring the vehicle to be marked or placarded pursuant to R17-4-436.
 - b. Paragraph (b) is amended by adding the following sentence at the end of the paragraph:

In addition to the requirements specified in 49 CFR 383, motor carrier drivers domiciled in Arizona who operate Commercial Motor Vehicles as defined in A.R.S. § 28-402 shall comply

with the requirements of A.R.S. Title 28, Chapter 4 and any rules promulgated under that Chapter.

- c. Paragraph (c) is amended to read:

Motor carriers operating in Arizona in the furtherance of a commercial enterprise, shall comply with the financial responsibility requirements specified in A.R.S. Title 28, Chapter 7, Article 7, and 49 CFR 387.
2. 49 CFR 390.5 Definitions. The definitions listed in 49 CFR 390.5 are amended as follows:
 - a. If the term "Commercial Motor Vehicle" or "CMV" is used in reference to the licensing requirements of either 49 CFR 383 or A.R.S. § 28-402, the term has the meaning set forth at 49 CFR 383 or A.R.S. § 28-402. If the term "Commercial Motor Vehicle" or "CMV" is not used in reference to the licensing requirements of 49 CFR 383 or A.R.S. § 28-402, the term means a self-propelled motor-driven vehicle or vehicle combination, used on a public highway in this state in the furtherance of a commercial enterprise, which:
 - i. Has a declared gross weight of 20,001 pounds or more;
 - ii. Transports passengers for hire and has a design capacity of 7 or more individuals; or
 - iii. Transports hazardous materials in an amount requiring marking or placarding pursuant to R17-4-436.
 - b. "Exempt intracity zone" is deleted from R17-4-435.01 through R17-4-435.04 and has no application in these rules.
 - c. "For-hire motor carrier," "private motor carrier of passengers," and "private motor carrier of property" are deleted from R17-4-435.01 through R17-4-435.04 and the term "motor carrier" is used.
 - d. "Gross combination weight rating" (GCWR) and "Gross vehicle weight rating" (GVWR) mean declared gross weight as defined in A.R.S. § 28-206.
 - e. "Regional Director" means the Division Director.
 - f. "Special agent" means an officer or agent of the Department of Public Safety, the Motor Vehicle Division, or of a political subdivision, who is trained and certified by the Department of Public Safety to enforce Arizona's Motor Carrier Safety requirements.
 - g. "State" means a state of the United States and the District of Columbia.
3. 49 CFR 390.15 Assistance in investigations and special studies. Paragraph (a) is amended to read:

A motor carrier shall make all records and information pertaining to an accident available to a special agent upon request or as part of any inquiry within the time the request or inquiry specifies. A motor carrier shall give a special agent all reasonable assistance in the investigation of any accident including providing a full, true, and correct answer to any question of the inquiry.
4. 49 CFR 390.21 Marking of motor vehicles. Paragraph (a) is amended to read:

This Section applies to all motor carrier vehicles operated in Arizona. A motor carrier that is not subject to the marking requirements of the U.S. Department of Transportation, shall mark its vehicles with the letters "AZ" and its Arizona Use Fuel/Motor Carrier account number. No identification number

marking shall be required for a motor carrier exempt from the Use Fuel/Motor Carrier License requirement.

5. 49 CFR 390.23 Relief from regulations.
 - a. Paragraph (a) is amended to read:
The regulations contained in 49 CFR 390 through 397 do not apply to a motor carrier that is not subject to federal jurisdiction and that operates a commercial motor vehicle used or designated to provide relief during an emergency.
 - b. Paragraphs (a)(1), (a)(1)(A), (a)(1)(B), and (a)(1)(B)(ii) are deleted.
 - c. Paragraph (a)(2)(A) is amended as follows:
An emergency has been declared by a federal, state, or local government official having authority to declare an emergency, and
 - d. Paragraph (a)(2)(B) is amended as follows:
The Arizona Department of Public Safety, Special Services Region, determines that a local emergency exists that justifies an exemption from any or all of these Parts. If the Arizona Department of Public Safety, Special Services Region determines that relief from these regulations is necessary to provide vital service to the public, relief shall be granted with any restrictions the Arizona Department of Public Safety considers necessary.
 - e. Paragraph (b) is amended as follows:
"Interstate commerce" means in the furtherance of a commercial enterprise.
6. 49 CFR 390.25 Extensions of relief from regulations - emergencies is amended as follows:
A motor carrier seeking to extend a period of relief from these regulations shall obtain approval from the Arizona Department of Public Safety, Special Services Region. The motor carrier shall give full details of the additional relief requested. Taking into account the severity of the emergency and the nature of the relief services to be provided by the motor carrier, the Arizona Department of Public Safety shall extend a period of relief with any restrictions deemed necessary.
7. 49 CFR 390.27 Locations of regional motor carrier safety offices-is amended to read:
To make a request for relief from these regulations, the motor carrier requesting relief shall contact the Arizona Department of Public Safety, Special Services Region, Telephone (602) 223-2212.

Historical Note

Section R17-4-435.01 renumbered from R17-4-435(C) and amended effective August 16, 1991 (Supp. 91-3).
Amended effective February 23, 1993 (Supp. 93-1).
Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4).

R17-4-435.02. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers

49 CFR 391, as incorporated in these rules, is amended as follows:

1. 49 CFR 391.2 General exemptions. The exceptions for "exempt intracity zone drivers" in paragraph (d) are deleted.
2. 49 CFR 391.11 Qualifications of drivers. Paragraph (b)(1) is amended to read:
Is at least 21 years of age for interstate operation; and at least 18 years of age for operations restricted

to intrastate transportation not involving the transportation of reportable quantities of hazardous substances, hazardous wastes required to be manifested or hazardous materials in an amount requiring the vehicle to be marked or placarded pursuant to R17-4-436.

3. 49 CFR 391.49 Waiver of certain physical defects.
 - a. Paragraph (a) is amended by adding:
An individual who is not physically qualified to drive under 49 CFR 391.41(b)(1), (b)(2) or (b)(10) who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle in intrastate commerce if the Division Director has granted an intrastate waiver to the individual. Application for an intrastate waiver shall be submitted in accordance with subsection (4). If granted, an intrastate waiver shall be for a period not exceeding 2 years. An individual granted an intrastate waiver may transfer the intrastate waiver from an original employer to a new employer upon written notification to the Division Director stating the name of the new employer and the type of equipment to be driven.
 - b. Paragraph (b) is amended by adding:
To obtain an intrastate waiver, an applicant or an applicant and co-applicant shall submit a letter of application for an intrastate waiver of a physical qualification. The application shall be addressed to the Motor Vehicle Division, P.O. Box 2100, Mail Drop 531M, Phoenix, Arizona 85001-2100. The driver applicant shall comply with all the requirements of 49 CFR 391.49(c), "Waiver of certain physical defects", except paragraphs (c)(1)(i) and (c)(1)(iii). The driver applicant shall respond to the requirements of 49 CFR 391.49(c)(2)(ii) through (c)(2)(v), if the information is known.
 - c. Paragraph (c)(1)(iv) is amended to read:
A description of the driver applicant's limb or visual impairment for which waiver is requested.
 - d. Paragraph (d)(3)(i) is amended to read:
The medical evaluation summary for a driver applicant disqualified under 49 CFR 391.41(b)(1) or (b)(10) shall include:
 - e. Paragraph (d)(3)(i)(B) is amended by adding:
Or a statement by the examiner that the applicant for an intrastate waiver has distant visual acuity of at least 20/40 (Snellen), with or without a corrective lens, in 1 eye; a field of vision of at least 70 degrees in 1 direction and 35 degrees in the other direction of the horizontal meridian of the applicant's dominant eye; and the ability to distinguish the colors of traffic signals and devices showing standard red, green, and amber.
4. Waiver procedures for intrastate drivers.
 - a. The Division Director shall:
 - i. Appoint a Waiver Board consisting of the Division's Driver Waiver Program Manager or designated alternate, the Division's Medical Review Officer and 2 other individuals to consider requests for physical waivers; and

- ii. Approve or deny a physical waiver after consideration of the recommendation submitted by the Waiver Board.
- b. The Waiver Board shall:
 - i. Meet within not less than 20 or more than 30 days of receipt of an intrastate waiver application;
 - ii. Review the application to ensure that all provisions of 49 CFR 391.49 are met;
 - iii. Take necessary testimony and accept documentation and information pertinent to the application;
 - iv. Ensure that drivers applying for an intrastate waiver of the visual requirements:
 - (1) Have driven the type of vehicle to be operated under the waiver for at least 2 of the previous 5 years; and
 - (2) Will not transport passengers for hire or transport reportable quantities of hazardous substances, hazardous wastes required to be manifested or hazardous materials required to be marked or placarded pursuant to R17-4-436;
 - v. Submit a written recommendation to the Division Director to approve or deny the waiver; and
 - vi. Notify the applicant by mail of:
 - (1) The date, time, and place of the review at least 5 days before the review; and
 - (2) The results of the Division Director's decision concerning approval or denial of the waiver within 10 days of the decision.
- c. The applicant:
 - i. Shall submit an application to the Division pursuant to 49 CFR 391.49 (a), (b), (c) and (d) as amended by this rule; and
 - ii. May request a summary review or may appear in person or through counsel at the review.
- d. Waiver form.
 - i. The waiver form shall reflect the terms, conditions, or limitations of the waiver.
 - ii. The Division shall maintain the original waiver.
 - iii. The motor carrier shall retain a legible copy of the waiver form as long as the driver is employed as a driver and for 3 years thereafter.
 - iv. A driver to whom a waiver form has been granted shall have a legible copy of the waiver form in the driver's possession when driving a commercial motor vehicle.
- 5. Subpart F - Files and Records

49 CFR 391.51 Driver qualification files. Paragraph (b)(2) is amended by adding the following text:
or the Waiver Board's letter of notification, granting an intrastate waiver of physical disqualification, if a waiver is granted pursuant to this rule.
- 6. Subpart G - Limited Exemptions

49 CFR 391.71 Intrastate drivers of vehicles transporting combustible liquids. Exemptions in this Section are deleted.

Historical Note

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4).

R17-4-435.03. Motor Carrier Safety: 49 CFR 391 Subpart H - Controlled Substance Testing

- A. 49 CFR 391 as incorporated in these rules is amended as follows:
- 1. 49 CFR 391.81 Purpose and scope. Paragraph (b) is amended by deleting "Federal".
 - 2. 49 CFR 391.83 Applicability. Paragraph (a) is amended to read:
This subpart applies to all motor carriers as defined in A.R.S. § 28-2401, operating commercial motor vehicles as defined in subsection (3) of this rule.
 - 3. 49 CFR 391.85 Definitions. The definition for "Commercial motor vehicle" in this section is amended to read: "Commercial motor vehicle" means a motor vehicle operated by a motor carrier which either:
 - a. Has a declared gross weight of 26,001 or more pounds;
 - b. Is designed to transport 16 or more people, including the driver; or
 - c. Is used in the transportation of hazardous materials in an amount which requires the vehicle to be placarded under R17-4-436.
 - 4. 49 CFR 391.87 Notification of test results and record-keeping. In paragraph (g), the term "federal highway administrator" means the Division Director.

Historical Note

Section R17-4-435.03 adopted effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2).

R17-4-435.04. Motor Carrier Safety: Amendments to 49 CFR 392 and 397

- 49 CFR 392 and 397 as incorporated in these rules are amended as follows:
- 1. 49 CFR 392.5 Intoxicating beverage. Paragraph (e) is amended to read:
Drivers who violate the terms of an out-of-service order under this Section shall be subject to the provisions and sanctions of A.R.S. § 28-2404.
 - 2. 49 CFR 392.30 Lighted lamps; moving vehicles. Paragraph (a) is amended to read:
During the period from sunset to sunrise;
 - 3. Section 397.5 Attendance and surveillance of motor vehicles. Paragraph (d)(3) is amended to read:
A safe haven is an area specifically approved in writing by state or federal governmental authorities for the parking of unattended vehicles containing Class A or Class B explosives as defined in 49 CFR 173.53 "Definition of Class A explosives" and 173.88 "Definition of Class B explosives".

Historical Note

Section R17-4-435.04 renumbered from R17-4-435(E), (F) and (G) and amended effective August 16, 1991 (Supp. 91-3).

R17-4-435.05 Civil penalties

For the purpose of determining the amount of civil penalty for repeat findings of responsibility for the same class of violations involving vehicles which are required to be placarded, the higher level of civil penalty pursuant to A.R.S. § 28-2406 shall apply.

Historical Note

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3).

R17-4-436. Hazardous Materials Transportation**A. Adoption of federal regulations.**

1. The Motor Vehicle Division adopts and approves as its own the following portions of the Federal Hazardous Materials Regulations, incorporated herein by reference and on file in the Office of the Secretary of State. The Hazardous Materials Regulations hereby incorporated are published in 49 CFR (Transportation), Subtitle B (Other Regulations Relating to Transportation), Chapter I (Research and Special Programs Administration, Department of Transportation), Subchapter C (Hazardous Materials Regulations), Parts:
 - a. 171 General information, regulations, and definitions
 - b. 172 Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements
 - c. 173 Shippers - general requirements for shipments and packagings
 - d. 177 Carriage by public highway
 - e. 178 Specifications for packagings, and
 - f. 180 Continuing qualification and maintenance of packagings.
2. These parts are adopted as amended, revised, and printed in the October 1, 1993, edition, and those sections of the October 1, 1990, edition authorized for use under the transitional provisions of Section 171.14 of the October 1, 1993, edition.

B. Application and exceptions.

1. Application.
 - a. The regulations adopted in subsection (A) of this Section shall apply as amended by subsection (C) of this Section to motor carriers, shippers, and manufacturers as defined in A.R.S. Title 28, Chapter 19, Article 1.
 - b. The regulations adopted in subsection (A) of this Section shall also apply to all vehicles owned or operated by the state, a political subdivision, or a public authority of the state, which are used to transport hazardous materials, including hazardous substances and hazardous wastes.
2. Exceptions. Authorized emergency vehicles, as defined in A.R.S. § 28-101, are excepted from the provisions of this rule.

C. Amendments. The following Sections of the Federal Hazardous Materials Regulations, adopted under subsection (A) of this Section, are amended as indicated below:

1. Part 171. General information, regulations, and definitions.
 - a. Section 171.1 Purpose and scope. Paragraph (a) shall read:
 "The transportation of hazardous materials by and their offering to: (1) interstate, intrastate and foreign motor carriers; and (2) vehicles owned or operated by the state, a political subdivision or a public authority of the state, which are used to transport hazardous materials."
 - b. Section 171.8 Definitions and abbreviations. Section 171.8 is amended by revising the definitions for "Carrier", "Hazmat employer", and "Person", and adding a definition for "Highway" as follows:
 "'Carrier' means a person engaged in the transportation of passengers or property by highway as a common, contract, or private carrier and also includes the state, political subdivisions,

and public authorities of the state engaged in the transportation of hazardous materials."

"'Hazmat employer' means a person who uses one or more of its employees in connection with: transporting hazardous materials; causing hazardous materials to be transported or shipped; or representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous materials. This term includes motor carriers, shippers, and manufacturers as defined in A.R.S. § 28-2401 as well as the state, political subdivisions, and public authorities of the state."

"'Highway' means a public highway as defined in A.R.S. § 28-2401."

"'Person' has the same meaning as prescribed in A.R.S. § 28-2401."

2. Part 172. Hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements.

Section 172.3 Applicability.

Paragraph (a)(2) is amended to read:

"Each motor carrier who transports hazardous materials; and each state agency, political subdivision, and public authority of the state that transports, by highway, hazardous materials."

3. Part 177. Carriage by public highway.
 - a. Section 177.800 Purpose and scope of this Part and responsibility for compliance and training.

Paragraph (a) is amended as follows: The phrase "by private, common, or contract carriers by motor vehicle" is amended to read, "by motor carriers operating in Arizona, and state agencies, political subdivisions, and public authorities of the state that transport, by highway, hazardous materials."

- b. Section 177.802 Inspection. Section 177.802 is amended to read: "Records, equipment, packagings, and containers under the control of a motor carrier or other persons subject to this Part, insofar as they affect safety in transportation of hazardous materials by motor vehicle, must be made available for examination and inspection by a duly authorized representative of the Department as prescribed in A.R.S. §§ 28-2402 and 28-2412."

Historical Note

Adopted effective October 24, 1990 (Supp. 90-4). Amended effective July 3, 1991 (Supp. 91-3). Amended effective February 28, 1992 (Supp. 92-1). Amended effective October 21, 1993 (Supp. 93-4). Amended effective August 12, 1994 (Supp. 94-3). Amended effective November 21, 1995 (Supp. 95-4).

R17-4-437. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired.

R17-4-437.01. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Emergency expired.

R17-4-437.02. Emergency Expired

Historical Note

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Emergency expired.

R17-4-437.03. Emergency Expired

Historical Note

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Emergency expired.

APPENDIX A. Emergency Expired

Historical Note

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Emergency expired.

R17-4-437.04. Emergency Expired

Historical Note

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Emergency expired.

R17-4-438. Definitions

- A. The following words and phrases, when used in R17-4-439 and R17-4-440, shall have the meanings ascribed to them as set forth below:
 1. "Audit" means any inspection of the motor vehicles, equipment, books, or records of a transporter to determine compliance with R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19.
 2. "Danger to the public safety" means any condition of a transporter likely to result in serious peril to the public if not discontinued immediately.
 3. "Director" means the Assistant Director, Arizona Department of Transportation, Motor Vehicle Division or the director's designee.
 4. "Hearing Office" means the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office.
 5. "Transporter" means any person, driver, motor carrier, motor vehicle, shipper, manufacturer, including any motor vehicle transporting hazardous materials, hazardous substances, or hazardous waste, which is subject to R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19.
 6. "Violation" means any conduct, act, or failure to act required or prohibited by R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19.
- B. The definitions set forth in A.R.S. § 28-2401 are specifically applicable to R17-4-439 and R17-4-440.

Historical Note

Adopted effective March 21, 1994 (Supp. 94-1).

R17-4-439. Motor Carrier Safety: Inspections, Enforcement, and Sanctions

- A. Scope. This rule applies to any transporter subject to R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19.
- B. Audits.
 1. An audit may be conducted for cause or without cause.
 2. Persons authorized by the Department of Public Safety or the Motor Vehicle Division may enter the premises of

any transporter in this state for the purpose of conducting an audit.

3. A motor vehicle may be inspected at the transporter's place of business or any other location within this state, or at the transporter's place of business if outside the state.
4. Records shall be made available for audit during normal business hours at the transporter's place of business in Arizona. If the records are maintained at a location outside the state of Arizona, the transporter shall either make the records available at a location within Arizona designated by the Director or make the records available at the transporter's place of business outside the state of Arizona. Audits conducted at a location out-of-state shall be at the transporter's expense. Audit expenses, including per diem and travel expenses, are to be prepaid according to Arizona Department of Transportation, Administrative Procedures, Chapter 6.02 Travel Authorization Procedure dated January 28, 1991, which is incorporated into and made a part of this rule by reference and is on file at the Office of the Secretary of State and also on file at the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office. This rule does not include any later amendments or additions of the incorporated matter.
- C. Notification of Violations. Within five days after completion of the audit, the transporter shall be notified of all violations in writing. This notification shall specify the date by which the violations are required to be remedied.
- D. Obligation to Correct Violations. After receipt of notification of the violations, the transporter shall be required to remedy all violations and be in compliance with R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19 by the date specified.
- E. Noncompliance; Failure to Remedy Violations. If it is determined that a violation was not remedied on or before the date set forth on the notice of violation, further enforcement action shall be in accordance with A.R.S. §§ 28-2405 through 28-2406.
- F. Danger to the Public Safety. Whenever the Director determines that the written report of violations establishes the existence of probable cause that a danger to the public safety exists, the Director shall issue an order by 5:00 p.m. on the next business day suspending the Arizona registration of the motor vehicle which is owned or leased by the transporter, or the Arizona driver license or nonresident driving privilege of the driver.

Historical Note

Adopted effective March 21, 1994 (Supp. 94-1).

R17-4-440. Motor Carrier Safety: Hearing Procedures

- A. Scope. This rule applies exclusively to enforcement actions conducted pursuant to R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19.
- B. Complaint.
 1. Every action to enforce the provisions of R17-4-435 through R17-4-435.05 and R17-4-436 and A.R.S. Title 28, Chapter 19, except for enforcement actions pursuant to subsection (G) of this rule, shall be commenced by the filing of a complaint signed by the Director. A copy of the complaint shall be served on all parties in accordance with subsection (D) of this rule.
 2. The complaint shall contain:
 - a. A designation of the state of Arizona through the Motor Vehicle Division as the petitioner.

- b. A designation of the party or parties from whom relief is requested as the respondent.
 - c. The facts upon which the alleged violations are based.
 - d. The statutes, rules, or regulations alleged to be violated.
 - e. The relief requested.
 - f. A statement that the respondent was served with written notice that a violation was not remedied by the date specified in the violation notice.
 - g. A statement that failure to file an answer within 15 days of service of the complaint shall constitute a default and be treated as an admission of the allegations contained in the complaint and a waiver of the respondent's right to contest the relief prayed for.
 - h. The name, address, and telephone number of the attorney representing the petitioner.
3. The original of the complaint shall be filed with the Hearing Office.
- C. Order to Show Cause.**
- 1. Upon the filing of the complaint, the Hearing Office shall forthwith issue its order for the respondent to appear and show cause at an administrative hearing why the relief requested in the complaint should not be granted.
 - 2. The date for the Order to Show Cause hearing shall be not less than 20 days or more than 60 days from the filing date of the complaint.
- D. Service.** All service required by this rule shall be by certified mail or personal delivery. Service by mail is complete upon mailing. Personal service on a partnership or corporation shall be made in accordance with Rule 4.1 of the Arizona Rules of Civil Procedure. Personal service may be made by an employee of the Motor Vehicle Division or the Department of Public Safety. Proof of service shall be filed with the Hearing Office.
- E. Answer.**
- 1. Within 15 days of service of the complaint, the respondent shall file an answer with the Hearing Office and serve a copy on petitioner's attorney.
 - 2. The answer shall admit or deny each allegation of the complaint and shall state any defenses raised. Allegations which are not denied shall be deemed admitted for all purposes at the hearing.
- F. Default.**
- 1. A respondent who fails to file an answer within 15 days of service of the complaint shall be in default.
 - 2. A respondent who is in default is deemed to have admitted all the allegations contained in the complaint.
 - 3. Upon default, the Hearing Office may enter an order granting the relief requested in the complaint.
- G. Danger to the Public Safety.**
- 1. Notwithstanding any other rule to the contrary, where the Director has determined that a danger to the public safety exists, a copy of the order signed by the Director in accordance with R17-4-439(F) as well as the report of violations shall be served upon the respondent as soon as practical. An emergency hearing shall be held within ten days of the issuance of the Director's order. A response shall be filed by the respondent at least two days prior to the emergency hearing.
 - 2. At the emergency order to show cause hearing, the hearing officer shall determine if sufficient cause exists for continuing the registration or license suspension pending a hearing on the merits pursuant to these rules. Failure to find sufficient cause for an emergency suspension shall not prevent the continuation of a normal enforcement

action pursuant to this rule, in which case the usual provisions for enforcement actions under this rule shall apply.

H. Settlement.

- 1. At any time prior to the issuance by the Hearing Office of a final decision, the parties may agree to disposition of the action through settlement. All settlements shall be approved by the Director and the respondent and submitted to the Hearing Office. The Hearing Officer shall incorporate the settlement in a final decision.
- 2. The settlement of any action constitutes a waiver by both parties of any rights to an appeal or other review under the Administrative Review Act, A.R.S. § 12-901 et seq. and A.A.C. R17-4-912.

- I.** Unless otherwise specifically prescribed in this rule, the general rules for hearing and appeal procedures set forth in A.A.C. Title 17, Chapter 4, Article 9 apply.

Historical Note

Adopted effective March 21, 1994 (Supp. 94-1).

R17-4-441. Reserved

R17-4-442. Reserved

R17-4-443. Reserved

R17-4-444. Repealed

Historical Note

Amended effective January 5, 1977 (Supp. 77-1).
Repealed as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Repealed effective November 30, 1983 (Supp. 83-6). New Section R17-4-52 adopted as an emergency effective July 25, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 27, 1986 (Supp. 86-1). Amended subsections (A) and (B) effective February 18, 1987 (Supp. 87-1). Former Section R17-4-52 renumbered without change as Section R17-4-444 (Supp. 87-2). Repealed effective October 13, 1987 (Supp. 87-4).

R17-4-445. Motor Carrier Financial Responsibility

A. Definitions:

- 1. "Authorized representative" means any person who has written authorization from the insurance carrier to sign documents on behalf of the insurance carrier.
- 2. "Certificate holder" or "Commission" means the Department of Transportation, Motor Vehicle Division.
- 3. "Commercial enterprise" means an activity carried on for gain or profit.
- 4. "For hire" means the transportation of passengers in the furtherance of a commercial enterprise for which a specific rate or fee is charged as a condition to obtaining the service except for the following:
 - a. Motor vehicles owned and operated by a church.
 - b. Motor vehicles owned and operated by a non-profit school classified as tax exempt by the federal government and used exclusively for transporting passengers in connection with school functions.
 - c. Motor vehicles owned and operated by any non-profit search and rescue organization that qualifies for exemption from gross weight fees under A.R.S. § 28-206.
 - d. Motor vehicles owned and operated by a foreign government, federal government, state, political subdivision of a state, or an Indian tribal government.

- e. Motor vehicles owned and operated privately and exclusively as school buses under contract to a school district.
 - f. Motor vehicles owned and operated by organizations that qualify for exemption from taxation of income under A.R.S. § 43-1201.
 - g. Motor vehicles owned and operated by a car pool operator as defined at A.R.S. § 28-101(9).
5. "Hazardous materials" in the context of these rules has the same meaning as set forth in R17-4-436.
 6. "Insurance binder" has the meaning prescribed in A.R.S. § 20-1120.
 7. "Insurance carrier" means a business entity that enters into contracts to indemnify or guarantee persons subject to Motor Carrier Financial Responsibility against loss from specified contingencies.
 8. "Insured" means any person who is subject to and in compliance with the Motor Carrier Financial Responsibility Act set forth at A.R.S. §§ 28-1231 et seq.
 9. "Producer" means any person, general agent, broker, or agent authorized to transact business on behalf of the insurance carrier.
 10. "Qualifier" means a specified contingency that the insurance carrier and the insured have agreed, and the Director of the Motor Vehicle Division has accepted will not be indemnified or guaranteed against loss.
- B. General provisions:**
1. Every owner, lessor, or lessee operating a motor vehicle in the furtherance of a commercial enterprise with a declared gross vehicle weight in excess of 20,000 pounds or transporting hazardous materials, substances or wastes, regardless of gross vehicle weight, unless exempted by A.R.S. § 28-1232(B), or operating a passenger carrying motor vehicle, bus, or van used to transport passengers for hire, and who is subject to registration pursuant to A.R.S. §§ 28-221, 28-225, 28-302 or 28-501 shall file with Motor Vehicle Division, proof of financial responsibility in amounts equal to or greater than the minimum amounts prescribed in A.R.S. § 28-1233.
 2. Every owner or lessor operating a motor vehicle that is subject to A.R.S. §§ 28-221, 28-225, 28-302, or 28-501 and that is tax licensed as defined under A.R.S. §§ 28-1559 or 28-1599.01 shall comply with the provisions of R17-4-446 or R17-4-447. If the owner or lessor is operating a motor vehicle that is not tax licensed under A.R.S. §§ 28-1559 or 28-1599.01, the owner or lessor shall comply with the provisions of R17-4-448.
 3. Every owner, lessor, or lessee operating a light weight motor vehicle as defined in A.R.S. § 28-1599(3), registered pursuant to A.R.S. §§ 28-221 or 28-225, in a manner that makes the owner, lessor, or lessee subject to Motor Carrier Financial Responsibility shall comply with the provisions of R17-4-446 or R17-4-447.
 4. Insurance carriers that provide insurance to persons who are subject to Motor Carrier Financial Responsibility shall comply with the filing requirements set forth at R17-4-446, R17-4-447, or R17-4-448.
 5. The following documents, when issued by an insurance carrier or the insurance carrier's authorized representative, will be accepted by the Motor Vehicle Division as proof of financial responsibility.
 - a. Form E. Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (see R17-4-446).
 - b. Form K. Uniform Notice of Cancellation of Motor Carrier Insurance Policies (see R17-4-446).
 - c. Certificate of Insurance (see R17-4-447 and R17-4-448).
 - d. Written 45-day notice of cancellation of Certificate of Insurance.
 6. The Motor Vehicle Division shall provide a conformed copy of any document filed by an insurance carrier as proof of financial responsibility to an insurance carrier that submits a copy of the document at the time that the original document is filed and a self-addressed, stamped envelope.
- C. Exemption.** These rules do not apply to owners, lessors, or lessees who operate motor vehicles carrying agricultural products within 25 miles of the border between Arizona and Mexico.
- D. Failure to comply.** If the owner, lessor, or lessee of a motor vehicle is subject to Motor Carrier Financial Responsibility, the Motor Vehicle Division shall register the motor vehicle only if the owner, lessor, or lessee complies with A.R.S. § 28-1233 or 28-1235, and files proof of financial responsibility in accordance with R17-4-446 or R17-4-447.
- E. Noncompliance.**
1. The Motor Vehicle Division shall cancel the registration of a motor vehicle if the owner, lessor, or lessee of the motor vehicle, who is subject to Motor Carrier Financial Responsibility, permits insurance on the motor vehicle to be canceled.
 2. The Motor Vehicle Division shall reissue a registration for a motor vehicle for which the registration is canceled if the owner, lessor, or lessee of the motor vehicle:
 - a. Submits an insurance binder covering the motor vehicle to the Motor Vehicle Division, and
 - b. Filed a Form E prior to expiration of the insurance binder with the Motor Vehicle Division.
 3. If the owner, lessor, or lessee of the motor vehicle fails to comply with subparagraphs (a) and (b), the Motor Vehicle Division shall cancel, without further notice, the reissued registration of the motor vehicle.
 4. Upon receipt of notice of insurance cancellation from an insurance carrier, the Motor Vehicle Division shall mail a certified letter to the insured, requiring the insured to provide proof of compliance with A.R.S. § 28-1233 to the Motor Vehicle Division on or before the date on which the insurance cancellation becomes effective.
 5. The Motor Vehicle Division shall cancel the registration and number plate of the motor vehicle owned or operated by a person who is required, but fails to comply with A.R.S. § 28-1233 regarding the motor vehicle or who fails to respond to the Motor Vehicle Division's request for proof of compliance with A.R.S. § 28-1233.

Historical Note

Section R17-4-421 adopted and renumbered as Section R17-4-445 effective October 13, 1987 (Supp. 87-4). Amended subsection (A) effective May 20, 1988 (Supp. 88-2). Amended effective January 2, 1996 (Supp. 96-3).

R17-4-446. Form E; procedures for preparing, filing and canceling liability insurance

- A.** All insurance filings made on behalf of motor carriers pursuant to this rule shall be completed observing the following procedures for filing and canceling insurance policies.
- B.** In lieu of providing to the Motor Vehicle Division the original or certified copy of the insurance policy, the Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance may be filed. The certificate must contain the following information:
1. The Arizona Department of Transportation, Motor Vehicle Division, shall be named as the Commission.

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2. The full name and address of the insurance carrier.
 3. The full name and address of the insured.
 4. Effective date of the insurance policy.
 5. Insurance policy number.
 6. Signature of authorized representative.
- C.** Notice of Cancellation. The Form K, Uniform Notice of Cancellation of Motor Carrier Insurance Policy, shall be used in all cases when an insurance policy is canceled. The Form K must contain the following information:
1. The Arizona Department of Transportation, Motor Vehicle Division, shall appear as the Commission.
 2. The full name and address of the insured.
 3. The full name and address of the insurance carrier.
 4. Cancellation effective date.
 5. Signature of authorized representative.
2. The full name, address, and telephone number of the insured;
 3. The full name, address, and telephone number of the insurance carrier;
 4. The policy number;
 5. The policy effective date;
 6. The policy expiration date;
 7. The amounts and types of coverage provided; and
 8. If multiple liability insurance policies have been written, name, address, telephone number, policy number, effective date, and expiration date of each liability insurance policy.
- B.** The Department of Transportation, Motor Vehicle Division, shall be named as the certificate holder.
- C.** The owner, lessor, or lessee of a motor vehicle who is required to file a certificate of insurance under this Section may list a self-insured retention on the certificate of insurance only if a certificate of self-insurance issued by the state pursuant to A.R.S. §§ 28-1222 or 28-1235 is filed with the certificate of insurance.
- D.** A copy of the certificate of insurance shall be submitted with the registration application at the time of initial registration or renewal for each motor vehicle.
- E.** All certificates of insurance shall contain a cancellation statement similar to the following: "Should any of the above described policies be canceled before the expiration date thereof, the issuing company shall mail a 45-day notice to the certificate holder. Failure to mail such notice shall impose obligation or liability upon the insurance carrier." The notice of cancellation shall be effective from the date the notice is mailed by the insurance carrier.
- F.** Upon receipt of a notice of cancellation, or upon expiration of an insurance policy that the owner, lessor, or lessee of a motor vehicle, the Motor Vehicle Division shall suspend the registration of the motor vehicle. The registration suspension shall remain in effect until a valid certificate of insurance covering the motor vehicle is filed with the Motor Vehicle Division.
- G.** The Motor Vehicle Division may randomly verify compliance with the Motor Carrier Financial Responsibility Act. If it is not possible to verify compliance by the owner, lessor, or lessee of a motor vehicle, the Motor Vehicle Division shall mail a notice of intent to suspend the registration of the motor vehicle to the owner, lessor, or lessee. The notice shall indicate that registration of the motor vehicle shall be suspended unless a valid certificate of insurance is filed with the Motor Vehicle Division within 30 days from the date on which the notice is mailed to the owner, lessor, or lessee. A suspended registration shall remain suspended until a valid certificate of insurance is filed with the Motor Vehicle Division.

Historical Note

Section R17-4-422 adopted and renumbered as Section R17-4-446 effective October 13, 1987 (Supp. 87-4).

R17-4-447. Certificate of Insurance; procedures for preparing, filing and canceling liability insurance

- A.** A Certificate of Insurance may be submitted in lieu of the Form E required under R17-4-446 on behalf of motor carrier vehicles subject to the financial responsibility requirements of R17-4-445. The Certificate of Insurance shall contain the following information:
1. The full name, address and telephone number of the producer.
 2. The full name, address and telephone number of the insured.
 3. The full name, address and telephone number of the insurance carrier.
 4. The liability insurance policy number.
 5. Policy effective date.
 6. Policy expiration date.
 7. The amount of liability coverage.
 8. If multiple liability insurance policies have been written, such as layered or excess coverage, all names, addresses, telephone numbers, policy numbers, effective dates and expiration dates as indicated in this rule shall be provided and itemized on the Certificate of Insurance.
 9. The Arizona Department of Transportation, Motor Vehicle Division, shall be named as the Certificate Holder.
- B.** Notice of Cancellation. All Certificate of Insurance filings shall contain a cancellation statement similar to the following: "Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail a 45-day notice to the Certificate Holder. Failure to mail such notice shall impose obligation or liability upon the insurance carrier." Such notice of cancellation shall run from the date notice was mailed from the insurance carrier.

Historical Note

Section R17-4-423 adopted and renumbered as Section R17-4-447 effective October 13, 1987 (Supp. 87-4).

R17-4-448. Certification when Form E Not Required

- A.** Any owner, lessor, or lessee of a motor vehicle with a declared gross weight of 26,000 pounds or less, who is subject to the financial responsibility requirements prescribed in R17-4-445, and who registers the motor vehicle, shall file an original of a certificate of insurance with the Motor Vehicle Division Insurance Unit. The certificate of insurance shall be issued by an insurance carrier, and contain the following information:
1. The full name, address, and telephone number of the producer;

Historical Note

Section R17-4-424 adopted and renumbered as Section R17-4-448 effective October 13, 1987 (Supp. 87-4).
Amended effective January 2, 1996 (Supp. 96-3).

ARTICLE 5. DRIVER LICENSES**R17-4-501. Third-party Driver License Processor and Tester**

- A.** Definitions.
1. "Third-party Processor" means a business entity which is authorized by the Director to employ third-party testers.
 2. "Director" means the Assistant Director of the Arizona Department of Transportation, Motor Vehicle Division, or the Director's designee.
 3. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.

4. "Principal or established place of business" means a permanent site or location at which the business of a driver license processor is or will be conducted.
5. "Third-party tester" means a person who is certified by the Director to administer driver examinations for Class D or M driver licenses.

B. Third-party Processor Requirements.

1. Before authorization.
 - a. The third-party processor applicant shall be in compliance with all applicable business laws of Arizona.
 - b. The Director shall authorize a business entity as a third-party processor only if no partner, officer, director, agent, or shareholder who owns 20% or more of the business entity, and no person who will be involved in the licensing process for the third-party processor applicant:
 - i. Had an authorization to do business revoked or suspended by the Director during the previous 3 years;
 - ii. Has an uncompleted term of imprisonment, probation, or parole, or fine payment resulting from conviction for fraud or a licensing-related felony during the previous 10 years;
 - iii. Has an uncompleted term of imprisonment, probation, or parole, or fine payment resulting from conviction for any felony other than that described in subsection (B)(1)(b)(ii) during the previous 5 years; or
 - iv. Had a license or operating authorization concerning the testing for or issuance of driver licenses revoked or suspended in Arizona or any other state during the previous 2 years.
 - c. The third-party processor applicant shall designate an agent within Arizona to accept service of process.
 - d. The third-party processor applicant shall demonstrate acceptable financial responsibility to protect any liability that may arise from the issuance of a permit. Acceptable financial responsibility shall be demonstrated as follows:
 - i. General liability insurance in the amount of at \$5,000,000 of which at least \$1,000,000 is primary coverage. If the policy deductible provision exceeds \$100,000, then a principal of the third-party processor shall provide the Director with a sworn affidavit stating that the Department of Transportation and the state of Arizona are included in the third-party processor's self-insured program to the same extent as an additional insured endorsement on the policy would provide.
 - ii. The Arizona Department of Transportation and the state of Arizona shall be named as additional insureds on the insurance policy.
 - iii. The primary coverage shall be issued by an insurance company licensed to do business in Arizona by the Arizona Department of Insurance.
 - iv. The policy shall provide that the Director shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions. Additionally, the policy shall provide that the Director shall be notified if the insurance company becomes insolvent.
 - v. The policy, together with all endorsements and exclusions, shall be provided to the Director at time of initial application.

- vi. No authorization shall be issued until the insurance policy is approved by the Director.
- vii. Nothing in this requirement places any limitations on any indemnification provisions in the contract between the third-party processor and the Director.

- e. The third-party processor applicant shall enter into a written contract with the Director to conduct business as a third-party processor. The contract shall include the following provisions:
 - i. An indemnification agreement,
 - ii. The form and manner in which records shall be maintained and processed, and
 - iii. Security provisions for the protection of computer access and for the protection of data received from the Division.

2. After authorization.

- a. The third-party processor shall employ at least 1 person as a third-party tester.
- b. The third-party processor shall maintain a principal or established place of business within this state with adequate and safe facilities to accommodate the related written and demonstration tests.
- c. The third-party processor shall maintain all vehicles used in demonstrations and testing in a safe operating condition and comply with all registration and insurance requirements for vehicles as set forth in A.R.S. Title 28.
- d. The third-party processor shall possess a copy of each third-party tester's certificate.
- e. The third-party processor shall file and maintain a current mailing address with the Director.
- f. The third-party processor shall continue to be in compliance with the pre-authorization requirements set forth in subsection (B)(1) of this Section.

C. Third-party tester certification requirements.

1. A third-party tester shall be at least 18 years of age and employed by a third-party processor.
2. A third-party tester shall successfully complete the Division's third-party tester training program and remain current with any continuing education requirements of the Division.
3. A third-party tester shall not have:
 - a. Had an authorization to do business revoked or suspended by the Director during the previous 3 years;
 - b. Had an uncompleted term of imprisonment, probation, or parole, or fine payment resulting from conviction for fraud or a licensing-related felony during the previous 10 years;
 - c. Had an uncompleted term of imprisonment, probation, or parole, or fine payment resulting from conviction for any felony other than that described in subsection (C)(3)(b) during the previous 5 years; or
 - d. Had a license or operating authorization concerning the testing for or issuance of driver licenses revoked or suspended in Arizona or any other state during the previous 2 years.
4. A third-party tester shall at all times be subject to a criminal investigation which may be conducted at random at time of application and with good cause thereafter with the costs borne by the third-party processor.
5. A third-party tester shall comply with all applicable statutes, rules, and contract provisions governing the testing of applicants for driver licenses.
6. A third-party tester shall have 5 years of driving experience, plus a total of 5 years' experience in driver license

issuance, driver education instruction, professional driving instruction, or a combination thereof.

7. A third-party tester shall possess a current license for the operation of the type vehicle in which the written or demonstration tests are to be given.
8. A third-party tester shall not have had any driver license suspension, revocation, cancellation, disqualification, denial, or other license withdrawal nor any conviction related to driving while under the influence of intoxicating liquors or drugs, reckless driving, racing upon a highway, or leaving the scene of an accident within the 5-year period prior to application.

D. Application. The Division shall provide the application for third-party tester certification and third-party processor authorization. The completed application shall be submitted to: Arizona Motor Vehicle Division, 1801 W. Jefferson Street, Phoenix, Arizona 85007.

F. Duties and Responsibilities of Third-party Processor.

1. A third-party processor shall retain records of all written and demonstration tests administered for a period of 3 years to include:
 - a. Accounting records documenting receipt of fees;
 - b. Copies of all applications and score sheets setting forth the name, driver's license number, social security number, and date of birth of those tested, the date of test and class of license tested, and the name and certification number of the third-party tester.
2. A third-party processor shall not administer any examination unless the applicant meets the requirements of all applicable rules and statutes governing licensing.
3. A third-party processor shall insure that all testing is done in accordance with the Division training manual and that all recording and reporting are done on forms approved by the Director.
4. A third-party processor shall submit to random on-site inspections by the Director.
5. A third-party processor shall make records available for and cooperate in any audit by the Director.
6. A third-party processor shall comply with all applicable rules, statutes, and contract provisions.
7. A third-party processor shall collect licensing fees and forward same to the Director by the close of the next business day.
8. If a third-party processor adds or changes a partner, officer, director, agent, shareholder owning 20% or more of the corporation, or adds or changes any other employee or person who may be involved in the licensing process or business and who was not included in the application, the third-party processor shall give written notification to the Director within 30 days of any change or addition. The new partner, officer, director, agent, shareholder owning 20% or more of the corporation, or employee or person who is involved in the licensing process or business is subject to this rule and the provisions of the contract between the third-party processor and the Director, and is also subject to a criminal background investigation with the cost borne by the third-party processor.
9. A third-party processor shall give written notice immediately to the Director of any tester whose driver license is suspended, revoked, canceled, disqualified, denied, or otherwise withdrawn.
10. A third-party processor shall not conduct any examinations on a test route nor change an approved test route without obtaining approval of the route from the Director.

11. A third-party processor shall submit within 10 days any report required by the Director as part of a complaint investigation.

12. A third-party processor shall not employ advertising which implies the guaranty of a license, the use of influence with the Division, or any preferential treatment by the Division.

F. Audit.

1. To assure continued compliance with authorization and certification requirements, the Division may conduct random, on-site inspections during normal business hours to audit the business records of the third-party processor.
2. Records shall be made available for audit at the third-party processor's place of business. If the records are maintained at a location outside the state of Arizona, the third-party processor shall either make the records available at a location within Arizona designated by the Director or make the records available at the third-party processor's place of business outside the state of Arizona. Audits conducted at a location out of state shall be at the third-party processor's expense. Audit expenses, including per diem and travel expenses, are to be prepaid according to Arizona Department of Transportation Administrative Procedures, Chapter 6.02 Travel Authorization Procedure dated January 28, 1991, which is incorporated into and made a part of this rule by reference and on file at the Office of the Secretary of State and also on file at the Arizona Department of Transportation Motor Vehicle Division Executive Hearing Office. This rule does not include any later amendments or additions of the incorporated matter.
3. Failure to allow or cooperate in an audit shall result in revocation of the third-party processor authorization.

G. Background investigation.

1. The Director shall conduct random criminal background investigations of any partner, officer, director, agent, or shareholder who owns 20% or more of a business entity that has applied for authorization as a third-party processor and of any third-party tester or other person who will be involved in the licensing process for the business entity.
2. The Director shall, with good cause, conduct criminal background investigations after a business entity has been authorized as a third-party processor.
3. The cost of a criminal background investigation shall be paid by the business entity that has applied for or received authorization as a third-party processor.

H. Denial and Revocation; Appeal.

1. The application for third-party tester certification or third-party processor authorization shall be denied if the applicant fails to meet the requirements set forth in this rule.
2. If the application contains a material omission or a false statement, the application shall be denied and the applicant shall not be allowed to reapply for a period of 12 months.
3. The third-party tester certification or third-party processor authorization shall be revoked upon a determination by the Director that the third-party tester or third-party processor is no longer qualified for certification or authorization under this rule or is in breach of the contract with the Division.
4. The third-party tester certification or third-party processor authorization shall be revoked upon a determination by the Director that the third-party tester or third-party

processor violated the provisions of this rule or other applicable rule or statute.

5. The order of revocation shall be preceded by a notice of immediate suspension and intent to revoke. The notice shall be sent by 1st-class mail, postage prepaid, to the address of the third-party processor on file with the Director.
6. The notice shall inform the third-party processor that the processor or third-party tester is no longer authorized to administer examinations and of the right to a hearing and the procedure for requesting a hearing.
7. The order of revocation shall become effective 25 days after the mailing date of the notice unless a timely request for hearing is submitted.
8. The third-party tester or third-party processor shall not be allowed to reapply for authorization or certification following revocation if the revocation was based on a fraudulent act or a knowing and intentional violation or attempt to violate the provisions of the contract, this rule, or any other related rule or statute.
9. If the application for third-party tester certification or third-party processor authorization is denied, the denial shall be sent by 1st-class mail, postage prepaid, to the address shown on the application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.
10. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 41-1061 et seq. and A.A.C. R17-4-901 et seq.

Historical Note

Adopted effective December 14, 1995 (Supp. 95-4).

R17-4-502. Reserved

R17-4-503. Reserved

R17-4-504. Notification for purposes of 30/60-day driving privileges suspension/restriction or driving record points removal

- A. Notification for purposes of A.R.S. § 28-692.01(J) shall be in the form of:
 1. An affidavit from the arresting agency which specifies that the named person did not cause serious physical injury as set forth in A.R.S. § 28-692.01(C)(2) and a determination by the Motor Vehicle Division that the person meets the requirement of A.R.S. § 28-692.01(C)(1); or
 2. An abstract or judgment order from the sentencing court which specifies that the named person was sentenced pursuant to A.R.S. § 28-692.01(D) or (E).
- B. Notification for purposes of A.R.S. Laws 1990, Chapter 375, § 20 shall be in the form of a certified court record received by the Motor Vehicle Division, which record specifies that the named person has successfully completed the probation imposed pursuant to A.R.S. § 28-692.01(E).

Historical Note

Adopted effective September 25, 1991 (Supp. 91-3).

R17-4-505. Notification for alternate suspension provisions under *Admin Per Se*

- A. Definitions: “*Admin Per Se*” means the civil action and sanctions pursuant to A.R.S. § 28-694.
- B. The Motor Vehicle Division, Arizona Department of Transportation shall impose an alternate suspension of a 30-day license suspension followed by a 60-day restricted license upon receipt of notification.

- C. Notification shall indicate the arrestee meets the alternate suspension provisions pursuant to A.R.S. § 28-692.01(C). Notification shall be in the form of:
 1. An affidavit from the arresting agency, or
 2. An abstract or judgment order from the sentencing court which specified the sentence is under the alternate suspension criteria.
- D. The Division shall adjust all records to reflect the suspension set forth.

Historical Note

Adopted effective May 2, 1990 (Supp. 90-2).

R17-4-506. Driver license point system

- A. Definitions. The words and phrases, when used in these rules, shall have the meanings respectively ascribed to them.
 1. “Department” means the Motor Vehicle Division, Arizona Department of Transportation, acting directly or through its duly authorized officers and agents.
 2. “Assistant Director” means the Assistant Director of the Department of Transportation for the Motor Vehicle Division.
 3. “Licensee” means a person licensed as an operator or chauffeur.
 4. “Conviction” means, for the purpose of this rule, a final conviction. Also, for the purpose of this rule, a forfeiture of bail or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.
 5. “Fee” means the fee provided for in A.R.S. § 28-446(D). It shall be the only monies collected from licensee in connection with approved training sessions.
 6. “Judgment” means a final judgment on a civil traffic violation.
 7. “TSS” means a school offering a course approved by the Department pursuant to A.R.S. § 28-446.
- B. Point system. For the purpose of determining under A.R.S. § 28-446(A)(3) when there has been such frequency of convictions or judgments of serious offenses against traffic regulations governing the movement of vehicles as to warrant suspension or to require any licensee to attend and successfully complete approved training and educational sessions designed to improve the safety and habits of drivers, the following convictions or judgments shall have assigned to them the points indicated below:

Points	
1.	Conviction of violation of A.R.S. § 28-692, driving while under the influence of intoxicating liquor or drugs. 8
2.	Conviction of violation of A.R.S. §§ 28-692 and 28-693 when both violations are charged in one citation, driving while under the influence of intoxicating liquor or drugs and with reckless driving. 8
3.	Conviction of violation of A.R.S. § 28-693, reckless driving. 8
4.	Conviction of violation of A.R.S. § 28-708, racing on highways. 8
5.	Conviction or judgment of a violation of A.R.S. §§ 28-662, 28-663, 28-664, 28-665, leaving the scene of an accident. 6
6.	Conviction or judgment of a violation of A.R.S. § 28-701, speeding. 3
7.	Conviction or judgment of a violation of any other traffic regulation governing the movement of vehicles. 2

- C.** General provisions. Upon receipt of a conviction or judgment which brings the licensee's total points within any twelve (12) month period to eight (8) points, as set forth in subsection (B), or when the Department's records or other sufficient evidence show that the licensee falls within any of the categories set forth in A.R.S. § 28-446(A), subparagraphs one through eight (1-8), the Department shall determine that:
1. The licensee shall be suspended, or
 2. The licensee should be required to attend and successfully complete approved training and educational sessions, or
- D.** Suspension, assignment to TSS.
1. If the Department determines that the licensee should be suspended, notice thereof will be sent by mail in accordance with A.R.S. § 28-453 together with a request for surrender of the license and notification that the licensee has the right to request a hearing within fifteen (15) days after mailing thereof or the suspension shall become effective.
 2. If the Department determines that the licensee should attend TSS, notice thereof to the licensee will be in accordance with A.R.S. § 28-453. The notice will inform the licensee:
 - a. Of the names and locations of the schools which may be attended;
 - b. Of the last date upon which to report to the selected school for enrollment;
 - c. That failure to report to a TSS in the required time may result in the suspension of his driver license;
 - d. That failure to attend all sessions of the TSS or successfully complete the school may result in the suspension of his driver license;
 - e. Of the length of time of suspension; and
 - f. That there is a right to request a hearing in writing within fifteen (15) days after mailing of the notice or the terms of the notice will become final.
 3. If the licensee decides to attend TSS as directed in paragraph (2), the licensee shall:
 - a. Select from the furnished list of TSS's a school to attend.
 - b. Report to the selected TSS within fifteen (15) days after mailing of the Department's notice. Upon reporting, the licensee's current driver license shall be surrendered and a temporary driver permit good for a maximum of sixty (60) days shall be issued. Upon a written showing of good cause, the Department may authorize one extension of such permit for an additional sixty (60) days.
 4. Upon receipt by the Department of a report from the TSS, it shall be determined either that the licensee has or has not attended and successfully completed the school.
 5. If it is determined that the licensee has successfully completed the school, the Department shall notify the licensee and return the permanent license with any reasonable restrictions placed thereon which are in the interest of public safety when the requirements of A.R.S. § 28-446(D) have been met.
- E.** Approved schools.
1. Under the provisions of A.R.S. § 28-446, the Department will assign licensees only to schools approved by the Assistant Director in writing.
 2. Governmental agencies, corporations, or other individuals conducting training and educational sessions designed to improve the safety and habits of drivers may, upon request, receive the approval of the Assistant Director when they offer the approved curriculum taught by qualified instructors.
- F.** Approved curriculum. The Assistant Director will approve in writing a uniform curriculum which must be taught to licensees assigned to schools. The curriculum will be selected and approved on the basis of effectiveness in improving the safety and habits of drivers.
- G.** Qualified instructors. Only those persons who meet the following qualifications will be deemed qualified instructors and allowed to teach licensees assigned by the Department to approve schools:
1. Instructors shall be high school graduates and shall have successfully completed an examination given for qualifications of instructors by the Department or shall be certified to teach driver education by the State Department of Education.
 2. Instructors must complete a curriculum workshop approved by the Assistant Director. An instructor may be temporarily certified if he successfully completes as a student a course using the approved curriculum and agrees that he will attend the next available curriculum workshop for complete orientation.
 3. The instructors must be 21 years of age, have an acceptable personal driving record, be enthusiastic toward training multiple violators, be accepted for employment by an approved school, and be of good moral character.
- H.** Withdrawal of approval. The Assistant Director is authorized after affording a party a hearing to withdraw approval of any training and education school and is authorized to withdraw his approval of any instructor when evidence, satisfactory to him, shows a school or instructor, individually or collectively, has failed to maintain the approved standards or has given the Department false information in their application for approval.
- I.** Conflict of interest. No full-time employee of the state of Arizona shall receive any direct pecuniary payments from registration fees paid by those who attend approved schools.

Historical Note

Former Rule, General Order 107; Amended effective April 28, 1981 (Supp. 81-2). Amended effective July 1, 1985 (Supp. 85-4). Former Section R17-4-46 renumbered without change as Section R17-4-506 (Supp. 87-2). See Emergency amendment below (Supp. 98-4).

EMERGENCY AMENDMENT

R17-4-506. Driver License Point System

- A.** Definitions. The words and phrases, when used in these rules, shall have the meanings respectively ascribed to them.
1. "Department" means the Motor Vehicle Division, Arizona Department of Transportation, acting directly or through its duly authorized officers and agents.
 2. "Assistant Director" means the Assistant Director of the Department of Transportation for the Motor Vehicle Division.
 3. "Licensee" means a person licensed as an operator or chauffeur.
 4. "Conviction" means, for the purpose of this rule, a final conviction. Also, for the purpose of this rule, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.
 5. "Fee" means the fee provided for in A.R.S. § 28-446(D). It shall be the only monies collected from licensee in connection with approved training sessions.
 6. "Judgment" means a final judgment on a civil traffic violation.

7. "TSS" means a school offering a course approved by the Department pursuant to A.R.S. § 28-446.
- B.** Point system. For the purpose of determining under A.R.S. § 28-3306(A)(3) when there has been a frequency of convictions or judgments of serious offenses against traffic regulations governing the movement of vehicles as to warrant suspension or to require any licensee to attend and successfully complete approved training and educational sessions designed to improve the safety and habits of drivers, the following convictions or judgments shall be assigned the points indicated below:
- | | Points |
|--|--------|
| 1. Conviction of violation of A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs. | 8 |
| 2. Conviction of violation of A.R.S. § 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor. | 8 |
| 3. Conviction of violation of A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence of intoxicating liquor or drugs, and A.R.S. § 28-693, reckless driving, when both violations are charged in 1 citation. | 8 |
| 4. Conviction of violation of A.R.S. § 28-693, reckless driving. | 8 |
| 5. Conviction of violation of A.R.S. § 28-708, racing on highways. | 8 |
| 6. Conviction of violation of A.R.S. § 28-695, aggressive driving. | 8 |
| 7. Conviction or judgment of a violation of A.R.S. §§ 28-662, 28-663, 28-664, 28-665, leaving the scene of an accident. | 6 |
| 8. Conviction or judgment of a violation of A.R.S. § 28-672(B), failure to comply with a red traffic control signal, failure to yield the right of way when turning left at an intersection or failure to comply with a stop sign or yield sign, and the failure results in an accident causing death to another person. | 6 |
| 9. Conviction or judgment of a violation of A.R.S. § 28-672(A), failure to comply with a red traffic control signal, failure to yield the right of way when turning left at an intersection or failure to comply with a stop sign or yield sign, and the failure results in an accident causing serious physical injury to another person. | 4 |
| 10. Conviction or judgment of a violation of A.R.S. § 28-701, speeding. | 3 |
| 11. Conviction or judgment of a violation of A.R.S. § 28-644(A)(2), driving over or across or parking in any part of a gore area. | 3 |
| 12. Conviction or judgment of a violation of any other traffic regulation governing the movement of vehicles. | 2 |
- C.** General provisions. Upon receipt of a conviction or judgment which brings the licensee's total points within any 12 month period to 8 points, as set forth in subsection (B), or when the Department's records or other sufficient evidence show that the licensee falls within any of the categories set forth in A.R.S. § 28-446(A), subparagraphs 1-8, the Department shall determine that:
1. The licensee shall be suspended, or
 2. The licensee should be required to attend and successfully complete approved training and educational sessions, or
- D.** Suspension, assignment to TSS.
1. If the Department determines that the licensee should be suspended, notice thereof will be sent by mail in accordance with A.R.S. § 28-453 together with a request for surrender of the license and notification that the licensee has the right to request a hearing within 15 days after mailing thereof or the suspension shall become effective.
 2. If the Department determines that the licensee should attend TSS, notice thereof to the licensee will be in accordance with A.R.S. § 28-453. The notice will inform the licensee:
 - a. Of the names and locations of the schools which may be attended;
 - b. Of the last date upon which to report to the selected school for enrollment;
 - c. That failure to report to a TSS in the required time may result in the suspension of his or her driver license;
 - d. That failure to attend all sessions of the TSS or successfully complete the school may result in the suspension of his or her driver license;
 - e. Of the length of time of suspension; and
 - f. That there is a right to request a hearing in writing within 15 days after mailing of the notice or the terms of the notice will become final.
 3. If the licensee decides to attend TSS as directed in subsection (D)(2), the licensee shall:
 - a. Select from the furnished list of TSS's a school to attend.
 - b. Report to the selected TSS within 15 days after mailing of the Department's notice. Upon reporting, the licensee's current driver license shall be surrendered and a temporary driver permit good for a maximum of 60 days shall be issued. Upon a written showing of good cause, the Department may authorize 1 extension of such permit for an additional 60 days.
 4. Upon receipt by the Department of a report from the TSS, it shall be determined either that the licensee has or has not attended and successfully completed the school.
 5. If it is determined that the licensee has successfully completed the school, the Department shall notify the licensee and return the permanent license with any reasonable restrictions placed thereon which are in the interest of public safety when the requirements of A.R.S. § 28-446(D) have been met.
- E.** Approved schools.
1. Under the provisions of A.R.S. § 28-446, the Department will assign licensees only to schools approved by the Assistant Director in writing.
 2. Governmental agencies, corporations, or other individuals conducting training and educational sessions designed to improve the safety and habits of drivers may, upon request, receive the approval of the Assistant Director when they offer the approved curriculum taught by qualified instructors.
- F.** Approved curriculum. The Assistant Director will approve in writing a uniform curriculum which must be taught to licensees assigned to schools. The curriculum will be selected and approved on the basis of effectiveness in improving the safety and habits of drivers.
- G.** Qualified instructors. Only those persons who meet the following qualifications will be deemed qualified instructors and allowed to teach licensees assigned by the Department to approve schools:
1. Instructors shall be high school graduates and shall have successfully completed an examination given for quali-

cations of instructors by the Department or shall be certified to teach driver education by the State Department of Education.

2. Instructors must complete a curriculum workshop approved by the Assistant Director. An instructor may be temporarily certified if the instructor successfully completes as a student a course using the approved curriculum and agrees that the instructor will attend the next available curriculum workshop for complete orientation.
 3. The instructors must be 21 years of age, have an acceptable personal driving record, be enthusiastic toward training multiple violators, be accepted for employment by an approved school, and be of good moral character.
- H.** Withdrawal of approval. The Assistant Director is authorized after affording a party a hearing to withdraw approval of any training and education school and is authorized to withdraw approval of any instructor when evidence, satisfactory to the Assistant Director, shows a school or instructor, individually or collectively, has failed to maintain the approved standards or has given the Department false information in their application for approval.
- I.** Conflict of interest. No full-time employee of the state of Arizona shall receive any direct pecuniary payments from registration fees paid by those who attend approved schools.

Historical Note

Emergency amendment adopted effective December 31, 1998, pursuant to A.R.S. § 28-366, for a maximum of 180 days (Supp. 98-4).

R17-4-507. Driver's license identification number

- A.** Definitions. The following words and phrases, when used in these rules, shall have the meanings respectively ascribed to them.
1. "Applicant" means any person applying for an operator's, chauffeur's or motorcycle license.
 2. "Department" means the Motor Vehicle Division, Arizona Department of Transportation, acting through its duly authorized officers and agents.
 3. "Permanent unique identification number" means the Social Security number issued by the U.S. Government or a number assigned by the Department.
- B.** No operator's, chauffeur's or motorcycle license, or any combination thereof, shall be issued without a permanent unique identification number as provided by this rule.
- C.** Every applicant, upon application for an operator's, chauffeur's or motorcycle license, or any combination thereof, shall be assigned a unique identification number which shall appear on that and all subsequent licenses issued by the Department, except as provided in subsection (D).
- D.** Any person applying for a driver's license may provide proof of his or her Social Security number. Proof which will be considered will be, but not limited to, a pay stub (from which the person's earnings may be deleted or not divulged), a Social Security Identification Card, driver's license from another state, or a document from another government agency that contains the name and Social Security number of the applicant. If the applicant does not provide a Social Security number, a nine-character substitute number will be assigned by the Department. The Social Security number or the substitute number shall appear on the application as the permanent driver's license number.
- E.** If a person who has received a driver's license with a Department-assigned substitute number subsequently obtains a valid Social Security number, the person may provide the Department proof of this number at the time of renewal and this number shall become the valid driver's license number.

Historical Note

Adopted effective July 24, 1985 (Supp. 85-4). Amended effective March 13, 1986 (Supp. 86-2). Former Section R17-4-50 rennumbered without change as Section R17-4-507 (Supp. 87-2).

R17-4-508. Application for License for Identification Purposes Only: Fees

- A.** Every application shall comply with the requirements as set forth in A.R.S. § 28-421.01. The application shall be made on forms furnished by the Department.
- B.** Satisfactory proof of the name and date of birth of an applicant may be shown by any of the following:
1. Birth certificate,
 2. Citizenship papers,
 3. Passport,
 4. School identification,
 5. Military discharge papers,
 6. Military I.D. card,
 7. Notarized affidavit signed by two adults.
- C.** The following fees shall be paid:
1. For filing each application for license for identification purposes only -- \$12.00.
 2. The fee for replacing a lost or destroyed identification card -- \$4.00.

Historical Note

Adopted effective October 31, 1975 (Supp. 75-1). Former Section R17-4-57 rennumbered without change as Section R17-4-508 (Supp. 87-2). Emergency amendments adopted effective July 30, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-3). Emergency amendments permanently adopted effective October 27, 1993 (Supp. 93-4).

R17-4-509. Repealed

Historical Note

Adopted effective February 14, 1984 (Supp. 84-1). Former Section R17-4-56 rennumbered without change as Section R17-4-509 (Supp. 87-2). Repealed effective December 17, 1993 (Supp. 93-4).

R17-4-510. Minor's application for permit or license

- A.** For the purposes of administering the provisions of A.R.S. § 28-417, the following definitions are adopted:
1. "Custody" as used in subsection (B) of A.R.S. § 28-417 means legal custody granted to both parents by a court order, either jointly or during specified periods, but does not include visitation rights.
 2. "Custody" as used in subsection (A) of A.R.S. § 28-417 means legal custody rights in a parent whose custody rights as parent of a child have not been severed by a court order or, in the case of divorced parents, only one parent was granted custody of the child, and excludes visitation rights.
 3. "Guardian" means one who has been appointed by a court of law to care for a minor child, but only if both parents of the child are deceased, or an agency as defined in A.R.S. § 8-513.
 4. "Person having custody of a minor child whose parents are deceased" means a person who is not a legal guardian of the child but who has for any reason assumed responsibility for the care, control, education, support and shelter of such a child.
 5. "Parent" means the natural or adoptive father or mother of a child.
 6. "Application", as used in this rule, means the Legal Guardian Affidavit which the Motor Vehicle Division

requires to be submitted with each minor's driver license application.

- B. When both parents must sign: If the parents of a child are divorced but have both been awarded custody of the child, both must sign the application.
- C. Procedure when both parents sign: If both parents sign a child's application, no proof of custody need be furnished.
- D. Procedure when only one parent signs:
 - 1. If the signing parent is married to the child's other parent, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
 - 2. If the signing parent is not married to the child's parent because the other parent is deceased, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
 - 3. If the signing parent is not married to the child's other parent, the signing parent must affirm that the other parent does not have custody of the child, in which event it shall be presumed the signing parent has custody of the child.
- E. Procedure when both parents are deceased:
 - 1. Applications presented which are not signed by a parent because both are deceased must be accompanied by certified copies of certificates of death or other satisfactory proof of death, such as, by way of example but not limitation, a court judgment, affidavits of close relatives of the child or school records.
 - 2. A person who is guardian of a child shall sign an application as defined by this rule or furnish a certified court order appointing guardianship.
 - 3. An employer signing the application must certify the minor is employed by that person on the date of application.
 - 4. A person who has custody of a child shall sign a Legal Guardian Affidavit affirming custody or furnish a certified court order awaiting custody.
- F. Proof of custody. Proof of custody may be established by a certified copy of the court order awarding custody or a written affirmation by the person signing the application.
- G. Adoption of questionnaire. The attached Legal Guardian Affidavit is adopted for use in satisfying the requirements of this rule, is incorporated by reference, and is on file in the Office of the Secretary of State.

Historical Note

Adopted effective October 17, 1986 (Supp. 86-5). Former Section R17-4-76 renumbered without change as Section R17-4-510 (Supp. 87-2)

R17-4-511. Computer storage of driver license applications, changes of address and records of conviction; original records disposal

- A. Driver license applications and changes of address:
 - 1. Whenever a person applies to the Department for:
 - a. An instruction permit pursuant to A.R.S. §§ 28-415 or 28-417.01;
 - b. An operators or chauffeurs license under the provisions of A.R.S. § 28-416;
 - c. A license for identification purposes only pursuant to A.R.S. § 28-421.01;
 - d. A license to drive a motorcycle or motor driven cycle, or
 - e. A duplicate license pursuant to A.R.S. § 28-425; the information contained on the application which is required by the respective statute allowing the application shall be indexed and compiled on the Department's computer in a manner which will allow

retrieval and disclosure of statutorily required information.

- 2. Whenever a person notifies the Department of a change of address or change of name as required by A.R.S. § 28-427, this information shall be placed on the Department's computer in such a manner as to allow retrieval and disclosure of the new information and in place of that shown on the original application.
- B. Records of conviction:
 - 1. All abstracts of conviction received by the Department shall be indexed, compiled and recorded on the Department's computer in a manner that will allow retrieval and disclosure of the information required by A.R.S. § 28-1061(B), (C), or (D) to be reported on abstracts of conviction.
 - 2. All reports of conviction received by the Department pursuant to Chapter 10, Title 28, Arizona Revised Statutes, shall also be indexed, compiled and recorded on the Department's computer in a manner that will allow retrieval and disclosure of the information required to be reported to the Department pursuant to Article III thereof.
- C. Disposal of applications, notice of change of address and abstracts of conviction. When the information on the documents referred to in subsections (A) and (B) of this rule has been stored on the Department's computer, they shall be stored in a manner which will allow retrieval as needed by the Department or court order and destroyed in accordance with records destruction schedules established by this Department and the Department of Library, Archives & Public Records.

Historical Note

Adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-62 renumbered without change as Section R17-4-511 (Supp. 87-2).

R17-4-512. Commercial driving schools and instruction licensing

- A. Definitions. The following words and phrases have been defined as follows:
 - 1. "Commission": The Arizona Highway Commission.
 - 2. "Instructor": Any person, whether acting for himself as operator of a professional driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for an operator or chauffeur's license or learner's permit; and any person who supervises the work of any other such instructor.
 - 3. "Professional driver training school or school": A business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, to prepare an applicant for an examination given by the state for an operator's or chauffeur's license or learner's permit and charging a consideration or tuition for such services.
 - 4. "Superintendent": The superintendent of the Motor Vehicle Division.
 - 5. "Suspension": The licensee's privilege to operate a professional driving school or to instruct (as provided in these rules) is temporarily withdrawn.
 - 6. "Revocation": The licensee's privilege to operate a professional driving school or to instruct (as provided in these rules) is terminated indefinitely.
 - 7. "Operator": The owner of a professional driver training school or one who holds himself out as offering, or one who otherwise offers, for a consideration or tuition, any

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service or services enumerated in A.R.S. § 32-2351, sub-section (3).

8. "Doing business": Soliciting for the purpose of offering, or performing any or all of the Acts set forth in A.R.S. § 32-2351(2) and (3).

B. General provisions:

1. Administration and enforcement. The commission, through the Superintendent of Motor Vehicle Division, shall administer and enforce the provisions of this Chapter.
2. Schools and instruction subject to licensing and rules. Section 1, Title 32, Chapter 23 and these rules shall apply to driving schools of all kinds as defined in these rules and to all persons giving instruction in driving schools or giving instruction in the operation of motor vehicle as defined in "instructor".
3. Use of driver training vehicle. No operator of a driving school shall lease, rent, or by any other arrangement permit the use of a vehicle used in driver training by another person when said vehicle is being operated by a student.
4. Employment of Motor Vehicle Division or Traffic Safety employees. No school will be permitted to engage the service of an employee of the Motor Vehicle Division or Traffic Safety as an instructor, agent or employee.

C. Licenses:

1. Requirements for an original license to operate a professional driver training school and a license to give driving instructions.
 - a. In general two types of licenses will be issued. A license to operate a driving school and a license for an individual to give driving instruction as an employee of a school.
 - b. A license to operate a driving school shall include the right to give driving instruction only when the licensee is licensed as an instructor or employs a person who is licensed as an instructor in accordance with all the requirements of law.
 - c. A copy of the instructor's license must be displayed in the office of each school he may represent.
 - d. The license issued by the division to operate a driving school shall be prominently displayed in the place of business of the driving school.
 - e. The instructor's identification card shall be in the possession of the licensee at all times that he instructs or actually accompanies a student. The instructor must surrender this card to the division upon becoming inactive or when his license is cancelled, suspended or revoked.
 - f. A license certificate shall be issued to each driving school for each instructor employed by such school. This certificate shall be prominently displayed in the place of business along with the license to operate such school.
 - g. In case of loss or mutilation, duplicate license or instructor's identification card may be issued by the division upon submission of a properly signed and completed application accompanied by the required fee and an affidavit setting forth the circumstances. The affidavit must show the date the license or identification card was lost, mutilated, or destroyed, and the circumstances involving the loss, mutilation, or destruction.
 - h. A license to operate a driving school and any instructor's license shall be nontransferable.
 - i. Each license will be effective on the date of issuance and will expire on the last day of the calendar year.

- j. No license fee will be prorated in the event the license is issued less than 12 calendar months prior to expiration.

2. Application for original professional driving school license.

- a. Before any license is issued an application shall be made in writing to the Division on a form prepared and furnished by the division, which shall include the following:
 - i. The name of the school together with ownership and controlling officers thereof.
 - ii. The application for a driving school license shall include the official name of the school and the location of its established place of business.
 - iii. The specified course of instruction which will be offered.
 - iv. The place or places where such instruction will be given.
 - v. The qualifications of the instructors and supervisors in each specific field together with their names, addresses and other information which may be required by the superintendent.
 - vi. Samples of any and all contracts to be used by the school.
 - vii. Sample copies of all forms of receipts to be used by the school.
 - viii. Copies of all forms used by the school which will be furnished or delivered to students.
 - ix. Driver training schools proposing to give instructions pertaining to the operation of motorcycles, buses, and trucks other than 1/2- or 3/4-ton pickups must submit their complete curriculum for approval along with their application.
- b. Every application for a license to operate driver training school must be accompanied by a fee of \$200.00. An applicant doing business in more than one location must secure a license for each branch office. An application for a branch license must be accompanied by a fee of \$50.00.
- c. All renewal application forms must be submitted to the Division not less than 30 days prior to the time the present school license expires. The Division will not be responsible for the timely issuance of any renewal license when application is not received at least 30 days prior to the expiration date.
- d. Each driving school shall submit to the Division, upon application for a license or a renewal license, a complete list of all personnel in its organization and shall indicate those in the staff who will be instructing. When changes are made in instructor personnel, notification shall be made to the Division within ten days thereafter.
- e. An individual, association, partnership, or corporation may qualify for a license to operate a professional driver training school through himself, one of its partners, officer of the corporation or managing employee. The qualifying party shall be a regular and bona fide employee whose principal employment is with the employer for whom he has qualified and must have active and direct supervision and control of all operations necessary to secure full compliance with all the provisions of Arizona Revised Statutes Title 32, Chapter 23 and these rules.

3. Application for driving school instructor's license.

- a. Application for an instructor's license shall be made upon a form supplied by the division, which form may require the following disclosures and information.
 - i. True full names
 - ii. Residence addresses
 - iii. Fingerprint card
 - iv. Employment histories
 - v. Personal references
 - vi. Such other information which the Division deems pertinent to determine the applicant's good moral character. No instructor's license shall be issued except upon compliance with all the provisions of these rules and the provisions of A.R.S. §§ 32-2351 - 32-2391.
 - b. The application for an instructor's license shall include the official name of the school at which the applicant will be an instructor. The licensed instructor shall notify the Division of his initial employment or of any change of employer within ten days thereafter.
 - c. Every application for a license as a driving school instructor must be accompanied by a fee of \$10.00.
 - d. All renewal application forms must be submitted to the Division not less than 30 days prior to the time the previous license expires. The Division will not be responsible for the timely issuance of any renewal license when application is not received at least 30 days prior to expiration date.
- D. Requirements of applicants for driver training school license and driver training instructors.** Every applicant for a license to operate a driving school and every applicant for a license to give instructions in driving motor vehicles shall meet the requirements as set forth below:
- a. Each applicant shall pass an examination given by the Division which may consist of an actual demonstration or a written test or both covering:
 - i. Traffic laws
 - ii. Safe driving practices
 - iii. Operation of motor vehicles
 - iv. Knowledge of teaching methods, techniques, and practices
 - v. Driving school statutes and regulations, business ethics, office procedures, elementary record-keeping.
 - b. Each applicant must be of good moral character, at least 21 years of age and have the minimum of a high school education or the equivalent.
 - c. Each applicant must hold a valid Arizona driver license.
 - d. Each applicant must have a satisfactory driving record.
 - e. All instructors shall be physically and mentally able to safely operate a motor vehicle and to train others in the operation of motor vehicles. To substantiate this, the superintendent may require a properly signed and completed certificate of medical examination conducted by a person qualified and licensed to practice medicine in Arizona.
- E. Insurance and safety requirements:**
- 1. All professional school operators shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor, and any person taking instruction in at least the following amounts: \$10,000.00 for bodily injury to or death of any one person in any one accident and, subject to said limit for one person, \$20,000.00 for bodily injury to or death of two or more persons in any one accident, and the amount of \$5,000.00 for damage to property of others in any one accident.
 - 2. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed by the school with the Division and the certificate shall stipulate that the insurance contract carried by the school provides for cancellation only upon 30 days prior written notice to the Division and shall further include the make, model, year and motor or serial number of every vehicle which will be used for instruction.
 - 3. When a vehicle is added to or exchanged in a driving school fleet covered under a fleet insurance plan, the licensee shall provide the Superintendent a copy of a policy rider issued by the insurance carrier showing the addition or exchange, with complete descriptions of the vehicles involved.
- F. Place of business:**
- 1. The established place of business of each driver training school must be regularly occupied and primarily used by that driver training school for the business of giving driving instructions for hire and the business of preparing members of the public for the examination given by the Division for a motor vehicle operator's license.
 - 2. Each place of business shall be safe and meet all requirements of state law and local ordinances, and the superintendent may require applicants and licenses to provide proof of compliance with local zoning ordinances.
 - 3. Each school shall post its office hours in a conspicuous place and shall be open to the public during these hours. In the absence of the operator, the person left in charge of the office during the posted office hours shall be fully qualified and authorized to give pertinent information to the public concerning lessons and accounts, and to give information to any representative of the division concerning the operation of the school.
 - 4. When a driving school office is located in an office building, store, or any other physical structure which is not a part of a dwelling, there shall be a clear separation between the driving school business and any other activity housed in the building.
 - 5. The school's license must be conspicuously displayed.
 - 6. All records pertaining to the operation of the school shall be maintained in the established place of business and available for inspection during normal business hours.
 - 7. Every place of business used by each driving school shall provide adequate facilities for any student being given instructions in other than behind-the-wheel driver training.
- G. Branch offices:**
- 1. A driver training school desiring to open a branch office shall make application on a form prescribed by the Division and accompanied by the required fee of \$50.00. If application is approved, the Division will issue a copy of the license of the principal place of business, appropriately endorsed, for use in the branch office.
 - 2. This copy must be conspicuously displayed in such branch office at all times.
 - 3. A branch office may not be removed to a new location without prior approval of the Division.
 - 4. Should a branch office be discontinued, the branch office copy of the license must be surrendered immediately to the Division.

5. The branch office must meet all of the requirements of the licensed principal place of business and must be equipped to, and shall perform, substantially the same services apply to the principal place of business.
 6. Branch offices are restricted to the county wherein the principal place of business is located.
- H. Advertising:**
1. A school shall not use any name other than its licensed name for advertising or publicity purposes. Nor shall the school use the word "State" in any part of the school name. A licensed school which advertises, solicits patrons, or conducts the business regulated by A.R.S. § 32-2351 et seq., by the use of or under a name other than the name by which the school was licensed, must apply for and obtain an original license for such school before it may lawfully operate.
 2. No driving school advertisement shall indicate in any way that a school can issue or guarantee the issuance of a driver's license, or imply that the school can in any way influence the Division in the issuance of a driver's license or imply that preferential or advantageous treatment from the division can be obtained.
 3. Schools that are in fact licensed by the Division may in their advertising state they are "LICENSED" but shall not indicate that a school is approved, sanctioned, or in any other way endorsed by the Division.
- I. Professional conduct:**
1. No driving school instructor, employee, or agent will be permitted to accompany any student into any examining office rented, leased, or owned by the Division of Motor Vehicles for the purpose of taking a driver license examination.
 2. No driving school instructor, employee, or agent will be permitted to personally solicit any individual on the premises rented, leased, or owned by the Division of Motor Vehicles for the purpose of enrolling them in any professional driving school.
 3. Violation of any of the provisions of this Article may be grounds for the cancellation, suspension or revocation of an instructor's license or a school's license, subject to the provisions of A.R.S. §§ 32-2373 and 32-2391 and these rules.
- J. Records and contracts:**
1. Every licensee shall maintain the following records:
 - a. A permanently bound book or a card file setting forth the name, address, contract number, and terms of payment with respect to every person receiving lessons, lectures, tutoring, instructions of any kind or any other service relating to instructions in the operations of a motor vehicle. The book or card file shall also contain records showing the date, type, and duration of all lessons, lectures, tutoring and instructions including the name of the instructor giving such lessons and the tag number, make and model of vehicle used to conduct the training.
 - b. A record of all receipts and disbursements.
 - c. If a licensee enters into written contracts with any person or group of persons receiving lessons, lectures, tutoring or instructions relating to the operation of a motor vehicle, the original contract must be given to the student or his agent who executes the contract, and a carbon copy of the contract retained as part of the records of the license.
 - d. All records must be retained for three (3) years.
- K. Equipment:**
1. All vehicles used for driver training must be equipped with the following:
 - a. Any motor vehicle with an automatic transmission must be equipped with at least a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency.
 - b. Any motor vehicle equipped with a standard transmission must have at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency.
 2. All vehicles must be maintained in safe operating conditions at all times.
- L. Suspension, revocation, cancellation and denial of driver training school and driver training instructor licenses:**
1. The superintendent may suspend or revoke the license of any driver training school or driver training instructor:
 - a. If the licensee fails to do anything which is required by the provisions of A.R.S. Title 32, Chapter 23, or these rules relating to driver training schools and driver training instructors.
 - b. If the licensee does anything which is prohibited by the provisions of A.R.S. Title 32, Chapter 23, or these rules relating to driver training schools or driver training instructors.
 - c. If the application contains any misstatements or misrepresentations.
 2. No license fee will be refunded in the event a license is suspended or revoked.
 3. The superintendent may deny any application for a driver training school or driver training instructor's license, if the applicant does not qualify for the license under the provisions of A.R.S. Title 32, Chapter 23, or these rules relating to driver training schools and driver training instructors. Previous revocation, misstatements or misrepresentations may be grounds for denying a license.
- M. The superintendent, upon determining that grounds for cancellation of a license exist, shall give notice thereof to the licensee in writing, and by the notice shall require the licensee to appear before him at a specified time and place, then and there to show cause why his license should not be cancelled. At the time and place fixed by the superintendent, which shall be not less than ten days after notice, the licensee shall appear and be heard and may have other persons he desires present and testify at the hearing.**

Historical Note

Former Rule, General Order 92. Former Section R17-4-37 renumbered without change as Section R17-4-512 (Supp. 87-2).

R17-4-513. Emergency expired**Historical Note**

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective May 2, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

R17-4-514. Emergency expired**Historical Note**

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

R17-4-515. Reserved**R17-4-516. Reserved****R17-4-517. Reserved****R17-4-518. Reserved****R17-4-519. Reserved****R17-4-520. General provisions****A. Definitions.**

1. "Applicant" means any person who applies for a driver's license or driver's license renewal or is required to complete a re-examination.
2. "Application" means the forms provided by the Motor Vehicle Division prior to the issuance or renewal of a driver's license.
3. "Department" means the Motor Vehicle Division of the Arizona Department of Transportation.
4. "Director" means the Director of the Motor Vehicle Division, or his designee.
5. "License" means any driver's license or permit the Department is authorized to issue to operate a motor vehicle.
6. "Licensee" means a person who has a current license issued by the Department.
7. "Licensing action" means any action by the Department involving the issuance, denial, suspension, revocation, cancellation, restriction or re-examination of a license under this Article.
8. "Medical condition" means any condition in these rules which could affect a person's functional ability to safely operate a motor vehicle.
9. "Medical examination" means an evaluation of a person's physical or mental status performed by a physician in accordance with the rules under this Article, in order to determine a person's functional ability to operate a motor vehicle with the results reported on a form prescribed by the Department.
10. "Medical questionnaire" means a series of questions designed to indicate the existence of a medical condition.
11. "Medical screening question" means a question designed to describe the medical condition(s) identified in the medical questionnaire.
12. "Medical specialist" means a physician certified by a recognized medical specialty board and approved by the Department.
13. "Physician" means a medical doctor or doctor of osteopathy licensed to practice in Arizona, a contiguous U.S. state, or employed by the federal government and practicing in Arizona.

B. Failure to meet licensing standards. No person shall be licensed or allowed to maintain a driver's license who fails to meet the medical licensing standards.

C. Medical screening process.

1. The license application shall include a medical questionnaire. If the applicant indicates a medical condition or if the Department personnel observes an apparent medical condition, the applicant or licensee will be required to complete the medical screening question.
2. If the person's response to the medical screening question indicates the likelihood that a medical condition exists, the person must submit to a medical examination within 30 days from the Department mailing date.
3. The Department may require an additional medical examination performed by a medical specialist, if the initial medical examination reported to the Department is insufficient to establish that the applicant or licensee possesses

the functional ability to safely operate a motor vehicle based on the medical licensing standards in this Article.

4. The applicant or licensee may be required by the Department to appear for an interview to clarify information disclosed by the medical examination.
5. The Department shall not be held liable for any expenses incurred by an applicant or licensee in the process of meeting the medical licensing standards.

D. Reporting requirements.

1. Failure to complete the medical screening question at the time of application will result in an order to submit to a medical examination within 30 days from the date of the order.
2. Failure to submit to the medical examination and submit the required report to the Department as required within the time frame shall result in a suspension of the driver's license or denial of issuance until compliance is met.
3. If a person experiences any medical condition after being licensed, he is required to report this condition to the Department within five days of occurrence, or as soon as the medical condition allows.

E. Hearings and appeals.

1. All cases where licensing actions have been taken, the licensee or applicant may request a hearing with the executive hearing section within 15 days from the date of the licensing action.
2. All hearing procedures are defined in administrative rule R17-4-901 and R17-4-902.

Historical Note

Adopted as Section R17-4-301 and renumbered as Section R17-4-520 effective September 22, 1987 (Supp. 87-3).

R17-4-521. Vision standards**A. Definitions.**

1. "Binocular vision" means vision in both eyes.
2. "Conventionally corrected visual acuity" means distance vision corrected by glasses or contact lenses but not by telescopic lenses.
3. "Diplopia" means double vision.
4. "Field of vision" means the area in which objects may be seen when the eye is fixed.
5. "Impaired night vision" means below normal ability to see in reduced light.
6. "Monocular vision" means the ability to see in one eye only.
7. "Optometrist" means a doctor of optometry licensed to practice in Arizona, a contiguous U.S. state, or employed by the federal government and practicing in Arizona.
8. "Retinitis pigmentosa" means a chronic progressive inflammation of the retina with atrophy and pigmentary infiltration of the inner layers.
9. "Snellen Chart" means a chart imprinted with lines of black letters graduating in size for testing visual acuity.
10. "Telescopic lens" means a corrective lens which uses magnification as the main method of obtaining minimal visual acuity.
11. "Visual acuity" means ability to see clearly.

B. Standard.

1. Visual acuity. Conventionally corrected visual acuity must be 20/40 in at least one eye.
2. Field of vision. Field of vision must be 70 degrees, plus 35 degrees on the opposite side of the nose, in at least one eye.

C. Restrictions.

1. Persons with conventionally corrected vision must wear corrective lenses at all times when driving.
2. Persons with diagnosed impaired night vision shall be restricted to daytime driving only.
3. Persons with binocular vision and with visual acuity (including with conventional correction) of 20/50 or 20/60, in both eyes together, will be restricted to daytime driving only.

D. Screening process.

1. Visual acuity and field of vision screening may be administered by the Department, a physician, or an optometrist.
2. Persons cannot wear telescopic lenses while having their vision screened.
3. Department screening for visual acuity will be conducted through the use of visual screening equipment or the Snellen Chart to determine if the person's corrected vision is 20/40 in at least one eye.
4. The Department screening for field of vision will be conducted through the use of visual screening equipment to determine if the person's field of vision meets minimum standards.

E. Reporting requirements.

1. If the person wishes to have initial visual acuity and visual field screening done by a physician or optometrist, rather than by the Department, the medical examination must be submitted to the Department.
2. If a person does not meet the vision standards, the Department will require a medical examination from a physician or optometrist.
3. Persons having any of the following conditions will be required to file a medical examination completed by the physician or optometrist:
 - a. Diagnosed retinitis pigmentosa.
 - b. Diagnosed diplopia.
 - c. Diagnosed impaired night vision.

F. Content of medical examination.

1. Examination cannot be older than three months from date of submission to the Department.
2. Visual acuity and field of vision results.
3. Identification of the person who is monocular.
4. Identification of persons having the conditions referred to in R17-4-521(E)(3).
5. Diagnosis of any progressively deteriorating eye disease.
6. Any recommendations on frequency of reporting requirements for this person, in addition to those required by the Department.
7. Suggested restrictions on driving, in addition to those required by the Department.
8. Any recommendations on the person's functional ability to safely operate a motor vehicle.

Historical Note

Adopted as Section R17-4-310 and renumbered as Section R17-4-521 effective September 22, 1987 (Supp. 87-3).

R17-4-522. Neurological Standards**A. Definitions.**

1. "Altered consciousness" means one or more of the following conditions:
 - a. The sudden and unanticipated partial or complete loss of awareness,
 - b. Partial or complete loss of mental contact with the environment,
 - c. Sudden confusion,
 - d. The sudden inability to recollect immediate events.

2. "Aura" means a sensation experienced before the onset of a neurological disorder.
3. "Isolated occurrence" means a single event which a physician concludes with reasonable medical certainty will not recur in the future.
4. "Episode" means, in the context of this rule, any incident or segment of time involving altered consciousness and/or loss of body control.
4. "Neurological disorder" means a malfunction or disease of the nervous system.
5. "Seizure" means a neurological disorder characterized by a sudden alteration in consciousness, sensation, motor control, or behavior, due to an abnormal electrical discharge in the brain.

B. Standard.

1. A person shall not be issued or allowed to maintain a driver license, or maintain nonresident driving privileges, if not seizure-free for a 3-month period from the date of the most recent occurrence of a seizure.
2. Exceptions to the standard:
 - a. The seizure was due to a change in anticonvulsant medication ordered by the physician and the physician concludes that seizure control has been established with reasonable medical certainty.
 - b. The physician concludes that the seizure was an isolated occurrence and that another seizure is unlikely to occur with reasonable medical certainty.
 - c. The physician concludes that seizures are likely to occur or have an established pattern of occurring only during sleep.
 - d. The physician concludes that seizures have an established pattern of an aura of sufficient duration to allow an individual to safely and immediately cease operating a motor vehicle upon the onset of the aura.

C. Reporting requirements.

1. An applicant who has experienced a seizure within the three months immediately prior to the date of application shall submit to a medical examination in accordance with the provisions of R17-4-520.
2. A licensee who experiences a seizure shall make a report to the Department pursuant to the provisions of R17-4-520(D)(3).
3. The medical examination shall set forth the following:
 - a. Age at onset of seizures, diagnosis, and history.
 - b. Aftereffects of seizures.
 - c. EEG findings, if any.
 - d. Description, cause, frequency, duration, and date of most recent seizure.
 - e. Current medications, including dosage, side effects, and serum level.
 - f. Whether the seizure meets any of the exceptions set forth in subparagraphs (B)(2)(a) through (B)(2)(d) herein.
4. Persons experiencing seizures shall be required to submit follow-up medical examination reports to the Department within one year of the seizure, or a shorter time if recommended by the physician.

Historical Note

Adopted as Section R17-4-320 and renumbered as Section R17-4-522 effective September 22, 1987 (Supp. 87-3). Amended effective April 12, 1994 (Supp. 94-2).

ARTICLE 6. SCHOOL BUS STANDARDS**R17-4-601. Reserved****R17-4-602. Reserved****R17-4-603. Reserved****R17-4-604. Reserved****R17-4-605. Reserved****R17-4-606. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Former Section R17-4-507 renumbered without change as Section R17-4-606 (Supp. 87-2). Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

R17-4-607. Repealed**Historical Note**

Adopted effective August 24, 1982 (Supp. 82-4). Former Section R17-4-501 renumbered without change as Section R17-4-607 (Supp. 87-2). Emergency amendments adopted and filed August 24, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency amendments repealed, new emergency amendments adopted effective October 1, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-repealed, new emergency amendments readopted effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency amendments re-repealed, new emergency amendments re-adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Emergency amendments re-adopted with changes effective November 14, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired. Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

R17-4-608. Special educational vehicle standards**A. General requirements:**

1. School buses designed for transporting children with special transportation needs shall comply with standards applicable to school buses. Because of the use of special equipment on these buses, certain modifications and/or exceptions in these standards shall be made, particularly in the bus body.
2. These standards address modifications as they pertain to school buses with a gross vehicle weight of 10,000 pounds or more and standard seating arrangement that provides a capacity of ten or more children prior to modification.
3. Any school bus that is used specifically for the transportation of children who are confined to a wheelchair and/or other mechanical restraining devices prohibiting their use of regular service entrance shall be equipped with a power lift.
4. The lift shall be located on the right side of the body, in no way attached to the exterior sides of the bus, not confined within the perimeter of the school bus body when not extended.

B. Special service entrance:

1. Bus bodies may have a special service entrance constructed in the body to accommodate a wheelchair lift for the loading and unloading of passengers.
2. The opening, to accommodate the special service entrance, shall be at any convenient point on the right (curb side) of the bus and far enough to the rear to prevent the door(s), when open, from obstructing the right front regular service door.
3. The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings.
4. The opening, with doors open, shall be of sufficient width and depth to allow the passage of wheelchairs. The minimum clear opening shall be thirty (30) inches in width.
5. A drip moulding shall be installed above the opening to effectively divert water from the entrance.
6. The entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform.
7. Door posts and headers from the entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors.

C. Special service entrance doors:

1. A single door may be used if the width of the door opening does not exceed forty (40) inches.
2. Two doors shall be used if any single door opening exceeds forty (40) inches.
3. All doors shall open outwardly.
4. All doors shall have positive fastening devices to hold the doors in an open position.
5. All doors shall be weather sealed, and, on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed. If optional power doors are installed, the design shall permit release of the doors for opening and closing by the attendant from the platform inside the bus.
6. When manually operated dual doors are provided, the rear door shall have at least a one-point fastening device to the header.
7. The forward-mounted door shall have at least three fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position.
8. The door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door.
9. Door materials, panels, and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.
10. Each door shall have windows set in rubber compatible within one inch of the lower line of the adjacent sash.
11. Door(s) shall be equipped with a device that will actuate a green flashing signal located in the driver's compartment to warn when the door(s) is not securely closed with the ignition in the "on" position.
12. A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed.

D. Power lift:

1. The lifting mechanism shall be able to lift a minimum payload of six hundred (600) pounds.

2. When the platform is in the fully up position, it shall be located in position mechanically by means other than a support, or lug in the door.
 3. Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside the bus. There shall be a means of preventing the lift platform from falling due to a power failure while in operation.
 4. Power lifts shall be equipped so that they may be manually raised and lowered in the event of a power failure to the lift mechanism.
 5. Lift travel shall allow the lift platform to rest securely on the ground.
 6. All edges of the platform shall be designed to restrain the wheelchair and operator's feet from becoming entangled during the raising and lowering process.
 7. When elevator-type lifts are used which lower through the floor of the bus body, the platform shall be fitted on both sides and rear with full-width shields which extend to the floor line of the lift platform.
 8. A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground level.
 9. A self-adjusting, skid-resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in paragraph (8) above. The lift platform must be skid-resistant.
 10. Buses equipped with an electrical power lift shall be provided with an additional battery for operation of the lift mechanism. Design shall be such that the battery is charged through the charging system of the bus but cannot be discharged through the chassis electrical system.
 11. A circuit breaker or fuse shall be installed between the power source and lift motor if electrical power is used.
 12. The lift mechanism shall be equipped with adjustable limit switches and/or bypass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up or down position.
 13. A ramp device may be carried for use during emergency evacuation; however, it shall not be stored within the passenger compartment.
- E.** Fastening devices. Positive fastening devices shall be provided and attached to the floor or walls or both to insure that occupied wheelchairs and/or any other occupied types of ambulatory devices can be securely fastened in position.
- F.** Restraining devices. Seat frames may be equipped with attachments and/or devices to which belts, restraining harnesses, and/or other devices may be attached.
- G.** Special light. Lights shall be placed inside the bus to sufficiently illuminate the lift area and activation shall be possible from the door area.
- H.** Aisles. All aisles leading to the emergency door(s) from the wheelchair area shall be of sufficient width (minimum thirty (30) inches) to permit passage of a maximum-size wheelchair.
- I.** Seating arrangements. Flexibility in seat spacing to accommodate special devices shall be permitted due to the constant changing of passenger requirements. All fixed seats shall be forward facing.
- J.** Glazing. Tinted safety glazing may be installed in all doors, windows, and windshield.
- K.** Heaters. An additional heater(s) may be installed in the rear portion of the bus (behind wheel wells).
- L.** Communications. A two-way radio communication system is recommended for special education buses.
- M.** Regular service entrance:
1. In Type C and D buses, there shall be three (3) steps of equal height in the entrance well.
 2. An additional fold-out step may be provided which will place the step level no more than six (6) inches from the ground.
- N.** Exhaust system. The exhaust system may be routed to the left of the right frame rail to allow for the installation of a lift mechanism that would travel through the floor on the right side of the vehicle.
- O.** Type A and B school buses used for special transportation. These vehicles shall meet the specifications of all the previous sections. Exceptions:
1. In lieu of a power lift, a ramp device may be installed.
 2. If a ramp is used, it shall be of sufficient strength and rigidity to support wheelchair, occupant and attendant. It shall be equipped with a protective flange on each longitudinal side to keep the wheelchair on the ramp.
 3. The floor of the ramp shall be covered with nonskid material.
 4. A portable ramp shall not be carried in the passenger compartment.

Historical Note

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-504 renumbered without change as Section R17-4-608 (Supp. 87-2).

R17-4-609. Minimum standards for Arizona school bus chassis

A. Definitions:

1. Type A: A "Type A" school bus is a conversion or body constructed upon a van-type compact truck or a front-section vehicle and has a gross weight rating of 10,000 pounds or less, designed for carrying more than ten persons.
2. Type B: A "Type B" school bus is a conversion or body constructed and installed upon a van or front-section vehicle chassis and has a vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.
3. Type C: A "Type C" school bus is a body installed upon a flat-back cowl chassis and has a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.
4. Type D: A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, and has a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between front and rear axles.

B. Minimum standards for the bus chassis:

1. Air cleaner. The engine intake air cleaner shall be furnished and properly installed by the chassis manufacturer to meet engine specifications.
2. Axles. The front and rear axles or other type of front and rear suspension assemblies shall have a gross axle weight rating at the ground at least equal to that portion of the

- load as would be imposed by the chassis manufacturer's maximum gross weight rating.
3. Back-up alarm. The back-up alarm is optional but if installed shall conform to the following:
 - a. Alarm-signaling device shall be of electronic, solid state design and shall emit a readily audible sound at approximately 107 dB(a) measured at 4 feet, zero degrees axis.
 - b. Alarm-signaling device shall operate automatically when the gear shift lever is in "reverse" position and wired from the back-up lights.
 - c. Alarm-signaling device shall be located no farther than three feet forward of rear bumper and shall be reasonably protected from effects of water, ice, mud or dust.
 4. Brakes:
 - a. A braking system, including service brake and parking brake, shall be provided.
 - b. Air brakes are required on buses with a passenger capacity greater than 60.
 - c. Buses using air or vacuum in the operation of the brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will give a continuous warning when the air pressure available in the system for braking is 60 psi (pounds per square inch) or less, or the vacuum in the system available for braking is eight inches (8) of mercury or less. An illuminated gauge which will indicate to the driver the air pressure in pounds per square inch or the inches of mercury vacuum available for the operation of the brake shall be provided. An additional air gauge may be specified to indicate air pressure in the emergency tank.
 - i. Vacuum-assist brake systems shall have a reservoir used exclusively for brakes which shall be adequate to ensure loss in vacuum at full-stroke application of not more than 30 percent with the engine not running. The brake system on gas-powered engines shall include suitable and convenient connections for the installation of a separate vacuum reservoir.
 - ii. Any brake system dry reservoir shall be so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.
 - iii. Automatic or remotely operated moisture ejectors are highly recommended for installation in the bottom of the wet tank.
 - d. Buses using a hydraulic assist-booster in the operation of the brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will provide continuous warning in the event of a loss of fluid flow from the primary source.
 - e. The brake lines and booster-assist lines shall be protected from excessive heat and vibration and be so installed as to prevent chafing.
 - f. All brake systems shall be designed to permit visual inspection of brake lining wear without removal of any chassis components.

Type A and B buses are exempt from this provision.
 5. Bumper -- front:
 - a. The front bumper shall be furnished by the chassis manufacturer as part of the chassis.
 - b. The front bumper shall extend beyond the forward-most part of the body, grill, hood, and fenders and shall extend to the outer edges of fenders at the bumper top line.
 - c. The front bumper, except breakaway bumper ends, shall be of sufficient strength to permit pushing a vehicle of equal gross weight without permanent distortion to bumper, chassis, or body.

Type D buses front bumper shall be furnished by body manufacturer.
 6. Certification. The chassis manufacturer shall certify to the Arizona Department of Transportation that their product meets minimum standards on items not covered by certification issued under requirements of the National Traffic and Motor Vehicle Safety Act.
 7. Clutch. The clutch torque capacity shall be equal to or greater than the engine torque output.
 8. Color:
 - a. The chassis, including wheels and front bumper, shall be black. Hood, cowl, and fenders shall be National School Bus Yellow.
 - b. The hood may be painted low-luster yellow.
 9. Cooling system. The cooling system shall provide adequate cooling of the engine in any ambient temperature range up to at least 120 degrees F.
 10. Drive shaft. The drive shaft shall be protected by a metal guard or guards around its circumference to reduce the possibility of it whipping through the floor or dropping to the ground if broken.
 11. Electrical system:
 - a. Battery:
 - i. The storage battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit (17.8C) and a minimum reserve capacity rating of 120 minutes at 25 amp. Higher capacities may be specified dependent upon optional equipment and local environmental conditions.
 - ii. When a battery is to be mounted by the body manufacturer on a sliding tray as opposed to the standard installation provided by the chassis manufacturer, the battery shall be temporarily mounted on the chassis frame by the chassis manufacturer. In this case, the final location of the battery and the appropriate cable lengths shall be according to the School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - iii. Buses equipped with an electrical power lift shall be provided with an additional battery for operation of the lift mechanism. The design shall be such that the battery is charged through the charging system of the bus but cannot be discharged through the chassis electrical system.
 - b. Generator or alternator:
 - i. Type A bus shall have a minimum 60 ampere per hour alternator.
 - ii. Type B bus shall have a minimum 80 ampere per hour alternator.
 - iii. Type A, B, C and D buses equipped with an electrical power lift shall have a minimum 100 ampere per hour alternator.
 - iv. Type C and D buses shall have a generator or alternator with a minimum rating of at least 80

- amperes in accordance with Society of Automotive Engineers Standard J545b, a copy of which is on file with the Office of the Secretary of State, with minimum charging of 30 amperes at manufacturer's recommended engine idle speed (12-volt system) and shall be ventilated and voltage-controlled and, if necessary, current controlled.
- v. A direct-drive generator or alternator is permissible in lieu of belt drive. Belt drive shall be capable of handling the rated capacity of the generator or alternator with no detrimental effect on other driven components.
 - vi. Refer to School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State, for estimating required generator or alternator capacity.
- c. Wiring:
- i. General. All wiring shall conform to the current, applicable, recommended practices of the Society of Automotive Engineers Standard J555a, a copy of which is on file with the Office of the Secretary of State.
 - ii. All wiring shall use a standard color coding and each chassis shall be delivered with a wiring diagram that coincides with the wiring of the chassis.
 - iii. The chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at an accessible location in the engine compartment of vehicles designed without a cowl, that shall contain the following terminals for the body connections:
 - (1) Main 100 amp body circuit.
 - (2) Tail lamps.
 - (3) Right turn signal.
 - (4) Left turn signal.
 - (5) Stop lamps.
 - (6) Back up lamps.
 - (7) Instrument panel lights (rheostat controlled by headlamp switch).
12. Exhaust system:
- a. The exhaust pipe, muffler, and tailpipe shall be outside of the bus body compartment and attached to the chassis.
 - b. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.
 - c. The tailpipe shall:
 - i. Extend beyond rear axle and shall either extend at least five inches beyond chassis frame and be mounted outside of the chassis frame rail at the end point or
 - ii. Extend to, but not beyond the body limits on either side in the rear half of the bus, and shall terminate from the chassis centerline as follows:
 - (1) Type A buses--Manufacturer's standard.
 - (2) Type B buses--42.5 inches.
 - (3) Type C and D buses--48.5 inches.

The exhaust system on vehicles designed for the transportation of special education pupils shall be routed to the left of the right frame rail to allow for the installation of a lift on the right side of the vehicle.
 - d. The exhaust system on gas-powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from the tank or tank connections.
 - e. The muffler shall be constructed of corrosion-resistant material.
13. Fenders -- front -- Type C buses:
- a. Total spread of outer edges of front fenders, measured at the fender line, shall exceed total spread of front tires when the front wheels are in the straight-ahead position.
 - b. Front fenders shall be properly braced and free from any body attachments.
Type A, B, and D buses are exempt from this provision.
14. Frame:
- a. The frame or equivalent shall be of such design and strength characteristics as to correspond at least to standard practice for trucks of the same general load characteristics which are used for highway service.
 - b. Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification.
 - c. Any frame modification shall not be for the purpose of extending the wheelbase.
 - d. Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.
 - e. Frame lengths shall be provided in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
15. Fuel tank:
- a. Fuel tank or tanks of minimum 30-gallon capacity with a 25-gallon actual draw shall be provided by the chassis manufacturer. It/they shall be fitted and vented to the outside of the body, the location of which shall be so that accidental fuel spillage will not drip or drain on any part of the exhaust system.
Type A and B buses may have fuel tank of 20-gallon minimum capacity.
 - b. No portion of the fuel system which is located to the rear of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maximum possible protection from the chassis frame.
 - c. A fuel filter with replaceable element shall be installed between the fuel tank and engine.
 - d. Fuel tank installation shall be in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - e. If a tank size other than 30-gallon is supplied, location of front of tank and filler spout must remain as specified by School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - f. Fuel tanks may be supplied in locations other than the right chassis frame rail, subject to options available from the manufacturer as specified by School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.

- g. Fuel conversion systems shall comply with Department rule.
- 16. Governor:
 - a. An engine governor is permissible. However, when it is desired to limit road speed, a road-speed governor shall be installed.
 - b. When the engine is remotely located from the driver, a governor shall be installed to limit engine speed to maximum revolutions per minute recommended by the engine manufacturer, or a tachometer shall be installed so that engine speed may be known to the driver.
- 17. Heating system -- provision for. The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be capable of supplying water having a temperature of at least 170 degrees F. at a flow rate of 50 pounds per minute at the return end of 30 feet of one-inch inside diameter, automotive hot water heater hose, in accordance with the School Bus Manufacturers Institute Standard No. 001, a copy of which is on file with the Office of the Secretary of State.
- 18. Horn. The bus shall be equipped with a horn or horns of standard make, each horn capable of producing complex sound in bands of audio frequencies between approximately 250 and 2,000 cycles per second and tested per Society of Automotive Engineers Standard J377, a copy of which is on file with the Office of the Secretary of State.
- 19. Instruments and instrument panel:
 - a. The chassis shall be equipped with the following instruments and gauges. Lights in lieu of gauges are not permitted except as noted:
 - i. Speedometer.
 - ii. Odometer which will give accrued mileage including tenths of miles.
 - iii. Voltmeter. Ammeter with graduated charge and discharge with ammeter and its wiring compatible with generating capacities permitted in lieu of voltmeter.
 - iv. Oil pressure gauge.
 - v. Water temperature gauge.
 - vi. Fuel gauge.
 - vii. Upper beam headlight indicator.
 - viii. Brake indicator gauge (vacuum or air). Light indicator in lieu of gauge permitted on vehicle equipped with hydraulic-over-hydraulic brake system.
 - ix. Turn signal indicator.
 - b. All instruments shall be easily accessible for maintenance and repair.
 - c. The above instruments and gauges shall be mounted on the instrument panel in such a manner that each is clearly visible to the driver while in the normal seated position in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - d. The instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges and the shift selector indicator for an automatic transmission, if so equipped.
- 20. Oil filter. An oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not built-in or engine mounted design. The oil filter shall have a minimum capacity of approximately one (1) quart.
- 21. Openings. All openings in the floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift and parking brake lever, shall be sealed.
- 22. Passenger load:
 - a. Actual gross vehicle weight (GVW) is the sum of the chassis weight, plus the body weight, plus the driver's weight, plus total seated pupil weight.
 - i. For purposes of calculation, the driver's weight is 150 pounds.
 - ii. For the purpose of calculation, the pupil weight is 120 pounds per pupil.
 - b. Actual gross vehicle weight (GVW) shall not exceed the chassis manufacturer's gross vehicle weight rating (GVWR) for the chassis.
- 23. Power and gradeability. Gross vehicle weight (GVW) shall not exceed 185 pounds per net published horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.
- 24. Shock absorbers:
 - a. The bus shall be equipped with front and rear double-acting shock absorbers compatible with the manufacturer's rated axle capacity at each wheel location.
 - b. Shock absorbers are optional on tandem rear axles.
- 25. Splash guards:
 - a. The bus shall be equipped with rear fender splash guards which may be constructed of flexible rubberized material.
 - b. The splash guards shall be wide enough to cover the tread width and shall be installed close enough to the tread surface as to control side-throw of the bulk of thrown road surface material and shall extend to within eight inches of ground level.
- 26. Springs:
 - a. The capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle weight rating.
 - b. If rear springs are used, they shall be of progressive type.
- 27. Steering gear:
 - a. Steering gear shall be approved by the chassis manufacturer and designed to assure safe and accurate performance when the vehicle is operated with maximum load and at maximum speed.
 - b. The steering mechanism shall provide for easy adjustment for lost motion.
 - c. No changes shall be made in steering apparatus which are not approved by the chassis manufacturer.
 - d. There shall be clearance of at least two inches between the steering wheel and cowl instrument panel, windshield, or any other surface.
 - e. Power steering is required for all school buses.
 - f. The steering system shall be designed to provide means for lubrication of all wear-points.
- 28. Tires and rims:
 - a. Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided.
 - b. Dual rear tires shall be provided on Type B buses, Type C buses and Type D buses.
 - c. All tires on a given axle shall be of the same size and ply rating and shall not differ more than one size between front and rear axle and shall comply with manufacturer's gross vehicle weight rating.

- d. If a tire carrier is required, it shall be suitably mounted in an accessible location outside the passenger compartment.
Type A and B buses are exempt from this provision.
29. Transmission:
 - a. When an automatic or semi-automatic transmission is used, it shall provide for not less than three forward and one reverse speeds.
 - b. When a manual transmission is used, second gear and higher shall be synchronized except when incompatible with engine power. A minimum of three forward speeds and one reverse must be provided.
30. Turning radius:
 - a. A chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, curb-to-curb measurement.
 - b. A chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44 1/2 feet, curb to curb measurement.
31. Undercoating. The chassis manufacturer shall coat the undersides of front fenders, unless fenders are constructed of a non-corrosion material, with a compound to prevent rust which meets or exceeds federal specifications TT-C-520B, a copy of which is on file with the Office of the Secretary of State, using modified test procedures as defined under "Undercoating" of body standards.
32. Weight distribution. The weight distribution of a fully-loaded bus on a level surface shall be such as to not exceed the manufacturer's front Gross Axle Weight Rating and rear Gross Axle Weight Rating.

Historical Note

Adopted effective March 7, 1983, to apply to chassis and bodies placed in production after May 1, 1983 (Supp. 83-2). Former Section R17-4-502 renumbered without change as Section R17-4-609 (Supp. 87-2).

R17-4-610. Minimum standards for Arizona school bus body

The minimum standards for the school bus body are as follows:

1. Aisle:
 - a. Minimum clearance of all aisles shall be 12 inches.
 - b. The seat backs shall be slanted away from the aisle sufficiently to give an aisle clearance of 15 inches at the tops of seat backs.
2. Battery:
 - a. The battery is to be furnished by the chassis manufacturer.
 - b. When the battery is mounted as described in Electrical System of the Chassis Standards, the body manufacturer shall securely attach the battery on a slide-out or swing-out tray in a closed, vented compartment in the body skirt, where the battery may be exposed to the outside for convenient servicing. The battery compartment door or cover shall be secured by an adequate and conveniently operated latch or other type fastener. Hinges, if used, shall be at the top or front edge of the door.
 - c. The bus body may be lettered or stenciled to show battery location. Letters shall be unshaded black not more than two inches in height.
3. Book racks. Book or parcel racks are permissible.
4. Bumper (front). See Chassis rule.
5. Bumper (rear):

- a. The rear bumper shall be of pressed steel channel or equivalent material, at least 3/16 inch thick and 8 inches wide (high), and of sufficient strength to permit pushing by another vehicle without permanent distortion.

Type A buses are exempt from this provision.

- b. It shall be wrapped around the back corners of the bus. It shall extend forward at least 12 inches, measured from rear-most point of the body at floor line.

Type A buses are exempt from this provision.

- c. The bumper shall be attached to the chassis frame in such manner that it may be easily removed, and braced to develop full strength of the bumper section from rear or side impact, and shall be so attached as to prevent hitching of riders.

- d. The bumper shall extend at least one inch beyond the rear-most part of the body surface, measured at the floor line.

Type A buses are exempt from this provision.

6. Ceiling. See Insulation and Interior of this rule.

7. Chains. See Wheelhousing of this rule.

8. Color:

- a. The school bus body shall be painted a uniform National School Bus Yellow. Specifications for the Standard Color, with light and dark tolerances (upper and lower reflectances) are shown below in tabular form:

C.I.E. Chromaticity		Reflectance	Reflectance Tolerances	
Coordinates		Y(%)	Upper	Lower
X	Y			
.5089	.4408	40.14%	41.77%	38.45%

- b. The body exterior paint trim, bumpers, lamp hoods, if any, and lettering shall be black. As an alternate, the rear bumper may be covered with retro-reflective material.

9. Construction:

- a. Construction shall be of prime commercial quality steel or other material or metal with strength at least equivalent to all-steel as certified by the bus body manufacturer.

- b. Construction shall provide a dustproof and watertight unit.

10. Defrosters:

- a. Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to reduce the amount of frost, fog, and snow.

- b. The defroster unit shall have a separate blower motor in addition to the heater motors.

Type A and B buses are exempt from this provision.

- c. The defrosting system shall conform to the Society of Automotive Engineers Standards J381 and J382, published 1979, a copy of which is on file with the Office of the Secretary of State.

- d. The defroster and defogging system shall be capable of furnishing heated, outside, ambient air except that the part of the system furnishing additional air to the windshield, entrance door, and step-well may be of the recirculating air type.

- e. Auxiliary fans are not to be considered as a defrosting and defogging system.

- f. Portable heaters may not be used.

11. Auxiliary fans -- if used:
 - a. Auxiliary fans shall be placed in locations where they can be adjusted to provide maximum effectiveness.
 - b. These fans shall be a nominal six-inch diameter with the blades covered by a protective cage.
 - c. Each of these fans shall be controlled by a separate switch.
12. Doors:
 - a. Service door:
 - i. The service door shall be under control of the driver and designed to afford easy release and prevent accidental opening. When a hand lever is used, no part shall come together to shear or crush fingers.
 - ii. The service door shall be located on the right side of the bus opposite the driver and within direct view of the driver.
 - iii. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches.
Type A buses are exempt from this provision.
 - iv. The service door shall be of split-type, sedan-type, or jack-knife type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of a split-type door opens inward and the other opens outward, the front section shall open outward.
 - v. Lower as well as upper panels shall be of approved glazing. The bottom of the lower glass panel shall not be more than 35 inches from the ground when the bus is unloaded. The top of the upper glass panel shall not be more than six inches from the top of the door.
Type A buses are exempt from this provision.
 - vi. Vertical closing edges shall be equipped with flexible material to protect children's fingers.
Type A buses are exempt from this provision.
 - vii. There shall be no door to the left of the driver.
Type A buses are exempt from this provision.
 - viii. All doors shall be equipped with a header pad at the top edge of each door opening. The pad shall be at least three inches wide and one inch thick, extending the full width of the door opening.
13. Emergency doors:
 - a. The emergency door shall be hinged on the right side if in the rear end of the bus and on the front if on the left side of the bus. It shall open outward and shall be labeled inside to indicate how it is to be opened.
Type A buses are exempt from this provision.
 - b. If required, the side emergency door and push-out rear window shall meet the requirements of federal Motor Vehicle Safety Standard No. 217, published July 1979, a copy of which is on file with the Office of the Secretary of State.
 - c. The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area not less than 350 square inches. The emergency door in the rear of the bus shall also contain a lower window panel of approved safety glazing.
- d. There shall be no steps leading to the emergency door.
- e. The words "EMERGENCY DOOR", both inside and outside in letters at least two inches high, shall be placed at the top of or directly above the emergency door or on the door in the metal panel above the top glass.
- f. The emergency door shall be equipped with a header pad at the top edge of the door opening. The pad shall be at least three inches wide and one inch thick, extending the full width of the door opening.
- g. All emergency exits shall be equipped with a latch (or latches) on the inside, connected with an electrical buzzer audible in the driver's compartment which will actuate when the latch is being released.
14. Fire extinguishers:
 - a. The bus shall be equipped with at least one pressurized, dry, chemical-type fire extinguisher, mounted in a bracket, readily accessible to the driver. A pressure gauge shall be mounted on the extinguisher to be readable from its mounted position.
 - b. The fire extinguisher shall be of a type rated not less than 2A-10-BC by the Underwriters Laboratories, Inc. The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher.
15. First aid kit:
 - a. The bus shall have a removable, moisture and dust-proof first-aid kit secured and readily accessible to the driver. This place shall be marked to indicate its location.
 - b. The number of units and contents shall, as a minimum, include the following items:

16 Unit First-Aid Kit		
2 Units	--	1" x 3" Plastic Band-Aids
1 Unit	--	2" Bandage Compress
1 Unit	--	3" Bandage Compress
4 Units	--	4" Bandage Compress
4 Units	--	Triangular Bandage
2 Units	--	Instant Cold Pack
1 Unit	--	Wire Splint
1 Unit	--	Large Gauge Compress 24" x 72"
16. Floor:
 - a. The floor in the underseat area, including tops of wheelhousing, driver's compartment, and toeboard, shall be covered with fire-resistant rubber floor covering or equivalent, having a minimum overall thickness of .125 inches.
 - b. Floor covering in the aisle shall be one continuous strip of aisle-type fire-resistant rubber or equivalent, wear-resistant, and ribbed. Minimum overall thickness shall be .187 inches measured from tops of the ribs.
 - c. The floor covering must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of a type recommended by the manufacturer of floor covering material. All seams must be sealed with waterproof sealer and covered with metal strips.
17. Heaters:
 - a. Heaters shall be of hot-water type.

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- b. If only one heater is used, it shall be a fresh-air or combination fresh-air and recirculating type.
 - c. If more than one heater is used, additional heaters may be of recirculating air type.
 - d. The heating system shall be capable of maintaining throughout the bus a temperature of not less than 40 degrees Fahrenheit at the average minimum January temperature as established by the U.S. Department of Commerce, National Weather Service, for the area in which the vehicle is to be operated.
 - e. All heaters installed by body manufacturers shall bear a name plate which shall indicate the heater rating in accordance with School Bus Manufacturers Institute Standard No. 001, a copy of which is on file with the Office of the Secretary of State, with the plate to be affixed by the heater manufacturer, which shall constitute certification that the heater performance is as shown on the plate.
 - f. Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to Society of Automotive Engineers Standard J20e, published 1979, a copy of which is on file with the Office of the Secretary of State. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.
 - g. Each hot water heater system shall include a shutoff valve installed in the pressure and return lines at the engine.
- Type A buses are exempt from this provision.
18. Identification:
- a. The body shall bear the words "SCHOOL BUS" in black letters at least eight inches high on both the front and rear of the body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to the Series B alphabet of the Federal Highway Administration.
 - b. Only signs and lettering approved by state law or regulation shall appear on the sides or rear of the bus.
 - c. Each school-owned bus shall bear the name of the school and bus number on each side in black unshaded letters, five inches high. Each privately-owned bus may bear the operators name in lieu of the name of the school.
 - d. Buses operated under contract shall bear the name of the owner followed by the word "OWNER" in letters two inches high in accordance with Arizona Corporation Commission regulations.
 - e. Buses used for transporting handicapped children may display a standard wheelchair emblem on the lower half of the rear emergency door. Such emblems shall not exceed 12 inches in size and the wheelchair emblem may be reflectorized.
 - f. Decals in lieu of required painted lettering are permissible.
19. Inside height. Inside body height shall be nominal 72 inches or more, measured metal to metal, at any point on the longitudinal center line from front vertical bow to rear vertical bow.
- Type A and B buses are exempt from this provision.
20. Insulation. Ceiling and walls shall be thermally insulated with a fire-resistant material of, or equivalent to, but-type fiberglass to deaden sound and reduce vibration to a minimum.
21. Interior. The interior of the bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. If the ceiling is constructed with lapped joints, the forward panel shall be lapped by the rear panel and exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.
22. Lamps and signals:
- a. All lamps on the exterior of the vehicle are covered by federal Motor Vehicle Safety Standard No. 108, published March 1980, a copy of which is on file with the Office of the Secretary of State.
 - b. Interior lamps shall be provided which adequately illuminate the aisle and step-well.
 - c. School bus alternately flashing signal lamps:
 - i. Definition: School bus red and yellow signal lamps are alternately flashing lamps mounted horizontally, both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that such vehicle is stopped or about to stop on the highway to take on or discharge school children.
 - ii. The bus shall be equipped with two red lamps at the rear of the vehicle and two red lamps at the front of the vehicle.
 - iii. In addition to four red lamps described in (ii) above, four amber lamps may be installed as follows: one amber lamp located near each red signal lamp, at same level, but closer to the vertical centerline of the bus; the system of red and amber signal lamps shall be wired so that amber lamps are energized manually and the red lamps are automatically energized (with amber lamps being automatically de-energized) when the bus entrance door is opened.
 - iv. The area around the lens of each alternately flashing signal lamp, and extending outward approximately three inches, shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the lamp, a circular or square band of black, approximately three inches wide, immediately below and to both sides of lens, shall be painted on the body or roof area against which the signal lamp is seen (from distance of 500 feet along axis of vehicle).
 - v. All flashers for alternately flashing red and amber signal lamps shall be enclosed in the body in a readily accessible location.
 - d. Turn signal and stop lamps:
 - i. The bus body shall be equipped with rear turn signal lamps which are at least seven inches in diameter. These signals must be connected to the chassis hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as a vehicular traffic hazard warning. Turn signal lamps are to be placed as wide apart as practical and their centerline shall be approximately eight inches below the rear window.
 - ii. Type A bus lamps must be at least 21 square inches in lens area.
 - iii. Class A turn signals are required on the front of the bus.

- Type A and B buses are exempt from this provision.
- iii. Turn signals visible from the sides of the bus shall be provided. This requirement may be fulfilled by one or both of the following:
 - (1) Double-faced, fender-mounted turn signals.
 - (2) Body-mounted turn signals located on each side of the forward half of the bus.

Type A and B buses are exempt from this provision.
 - iv. Just inside the rear turn signal, there shall be installed at the same elevation two seven-inch diameter stop lamps.
 - e. Backup lamps: The bus shall be equipped with at least one backup lamp.
 - f. All buses equipped with a monitor to show operation of the front and rear lamps of the school bus shall have the monitor mounted in full view of the driver. If the full circuit current passes through the monitor, each circuit shall be protected by a fuse or circuit breaker against any short circuit or intermittent shorts.
 - g. White flashing strobe light: A white flashing strobe light, when installed, is intended to increase the visibility of the school bus. It shall have a single clear lens emitting light 360 degrees around its vertical axis. It shall be located on the longitudinal centerline of the bus roof approximately 1/3 to 1/2 of the distance forward from the rear of the bus. It shall be controlled by a manual switch located in the instrument panel to the left of the driver. A pilot light lighted shall indicate to the driver that the light is turned on.
23. Warning device. Each school bus shall contain at least three reflectorized triangle road warning devices secured and readily accessible to the driver.
24. Metal treatment:
- a. All metal used in construction of the bus body shall be zinc, aluminum or aluminum-coated or treated by equivalent process before the bus is constructed. Included are such items as structural members, inside and outside panels, door panels and floor sills; excluded are such items as door handles, interior decorative parts, and other interior plated parts.
 - b. All metal parts that will be painted shall be (in addition to the above requirements) chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.
 - c. In providing for these requirements, particular attention shall be given lapped surfaces, welded connections of structural members, cut edges, punched- or drilled-hole areas in sheet metal, closed or box sections, unvented or undrained areas, and surfaces subjected to abrasion during vehicle operation.
25. Mirrors:
- a. Interior mirror: Interior mirror shall be either laminated glass or glass bonded to a backing which retains the glass in the event of breakage. The mirror shall be a minimum of 6" x 30" with rounded corners and protected edges.

Type A and B buses shall have an interior mirror with at least 50 square inches of surface area.
 - b. Exterior mirrors: Each bus shall have a minimum of one exterior left side and one exterior right side rear mirror with a minimum of 50 square inches of flat mirror glass. Each bus shall have exterior right and left convex mirrors, each with a minimum of 35 square inches, to provide localized vision on both sides of the bus.
 - c. Cross-over vision mirror: When a rod 30 inches long is placed upright on the ground at any point along a traverse line one foot forward of the forward-most point of a school bus and extending the width of the bus, at least 7 1/2 inches of the length of the rod shall be visible to the driver, either by direct view or by means of an indirect visibility system. The cross-over vision mirror shall be a minimum of seven inches in diameter.
26. Mounting. The chassis frame shall support the rear body cross member. The bus body shall be attached to the chassis frame at each main floor sill, except where chassis components interfere, in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.
27. Overall length. Overall length of bus shall not exceed 40 feet.
28. Overall width. Overall width of bus shall not exceed 96 inches excluding accessories.
29. Rub rails:
- a. There shall be one rub rail located on each side of the bus approximately at seat level which shall extend from the rear side of the entrance door completely around the bus body (except for emergency door) to the point of curvature near the outside cowl on the left side.
 - b. There shall be one rub rail located approximately at the floor line which shall cover the same longitudinal area as the upper rub rail, except at the wheelhousing, and shall extend only to radii of right and left rear corners.
 - c. Both rub rails shall be attached at each body post and all other upright structural members.
 - d. Both rub rails shall be four inches or more in width, shall be of 16-gauge steel or suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion.
 - e. Both rub rails shall be applied outside the body or outside the body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.

On Type A and B buses using chassis manufacturer's body, or Type C and D buses using rear luggage or engine compartment, rub rails need not extend around rear corners.
30. Sanders. Where specified sanders shall:
- a. Be of hopper cartridge-valve type.
 - b. Have a metal hopper with all interior surfaces treated to prevent condensation of moisture.
 - c. Be of at least 100-pound (grit) capacity.
 - d. Have a cover on the filler opening of the hopper, which screws into place, sealing the unit airtight.
 - e. Have discharge tubes extending to the front of each rear wheel under the fender.
 - f. Have no-clogging discharge tubes with slush-proof, non-freezing rubber nozzles.
 - g. Be operated by an electric switch with a telltale light mounted on the instrument panel.
 - h. Be exclusively driver controlled.
 - i. Have a gauge to indicate that hoppers need refilling when they are down to one-quarter full.

31. Seat belt for driver. A seat belt for the driver shall be provided. The belt shall be equipped with a retractor on each side of sufficient quality and strength to keep it retracted and off the floor when not in use.
32. Seats and crash barriers:
 - a. All seats shall have a minimum depth of 15 inches.
 - b. In determining the seating capacity of the bus, allowable average rump width shall be:
 - i. 13 inches where 3-3 seating plan is used.
 - ii. 15 inches where 3-2 seating plan is used. (13 inches may be used in 3-2 seating plan when body width does not permit 3-3 seating.)
 - c. Seats, seat back cushions and crash barriers shall be covered with a material having 42-ounce finished weight, 54 inches width, and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation.
 - d. The driver's seat shall have a vertical adjustment and shall have fore-and-aft adjustment of not less than four inches without use of tools for either adjustment.
Type A buses do not require vertical adjustment.
33. Steering wheel. See Chassis rule.
34. Steps:
 - a. The service door entrance may be equipped with two-step or three-step step-well. Risers in each case shall be approximately equal. When a plywood floor is used on steel, the differential may be increased by the thickness of plywood used.
 - b. When two-step step-well is specified, the first step at the service door shall not be less than 12 inches and not more than 16 inches from the ground, based on standard chassis specifications.
 - c. When a three-step step-well is specified, the first step at the service door shall be approximately 10 to 14 inches from the ground when the bus is empty, based on standard chassis specifications.
 - d. Steps shall be enclosed to prevent accumulation of ice and snow.
 - e. Steps shall not protrude beyond the side body line.
 - f. A grab handle not less than ten inches in length shall be provided in an unobstructed location inside the doorway.
Type A and B vehicles are exempt from this provision. Steps (if any) on Type A and B vehicles not manufactured originally as school buses may be manufacturer's standard.
35. Step treads:
 - a. All steps, including floor line platform area, shall be covered with 3/16 inch rubber floor covering or other material equal in wear resistance and abrasion resistance to top grade rubber.
 - b. The metal back of the tread, minimum 24-gauge cold rolled steel, shall be permanently bonded to ribbed rubber. The grooved design shall be such that grooves run at 90 degree angle to the long dimension of the step tread.
 - c. Three-sixteenth-inch ribbed tread shall have a 1 1/2 inch white nosing as integral piece without any joint.
 - d. The rubber portion of step treads shall have the following characteristics:
 - i. Special compounding for good abrasion resistance and high coefficient of friction.
 - ii. Flexibility so that it can be bent around a 1/2 inch mandrel both at 130 degrees F and 20 degrees F without breaking, cracking, or crazing.
 - iii. Show a durometer hardness 80 to 95.
36. Stirrup steps. There shall be at least one folding stirrup step or recessed foothold and suitably located handles on each side of the front of the body for easy accessibility for cleaning the windshield and lamps except when windshield and lamps are easily accessible from the ground. This standard does not apply to vehicles not originally manufactured as school buses. A step, in lieu of the stirrup steps, is permitted in or on the front bumper.
37. Stop signal arm:
 - a. A stop signal arm shall be installed on the left side of the bus body and may be operated manually or by vacuum, electric or air. Operation shall be such that the arm extends approximately 90 degrees from the bus body.
 - b. The signal arm shall be an 18-inch reflectorized octagon, with the word "STOP" printed on both sides in white letters not less than five inches high on a red background.
 - c. Flashing lamps in stop arm are optional, but if used, shall meet the applicable requirements of Society of Automotive Engineers J1133a, published 1979, a copy of which is on file with the Office of the Secretary of State. Flashing lamps in stop arm shall be connected to the alternately red flashing signal lamp circuits.
38. Storage compartment. If tools, tire chains and/or tow chains are carried on the bus, a container of adequate strength and capacity may be provided. Such storage container may be located either inside or outside the passenger compartment, but, if inside, it shall have a cover (seat cushion may not serve as this purpose) capable of being securely latched and shall be fastened to the floor convenient to either the service or emergency door.
39. Sun shield. An interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by the driver.
Type A and B buses may use manufacturer's standard.
40. Tailpipe. The tailpipe shall extend to, but not more than two inches beyond, the face of the rear bumper, except that if a side exhaust is installed, the tailpipe shall terminate flush with the outside edge of the body in the rear half of the bus.
41. Undercoating:
 - a. The entire underside of the bus body, including floor sections, cross members, and below-floor-line side panels, shall be coated with a rust-proofing compound for which the compound manufacturer has issued a notarized certification of compliance to the bus body builder that the compound meets or exceeds all performance requirements of Federal Specification TT-C520B, published February 2, 1973, a copy of which is on file with the Office of the Secretary of State, using modified test procedures for following requirements:
 - i. Salt spray resistance -- pass test modified to five percent salt and 1,000 hours.
 - ii. Abrasion resistance -- pass.
 - iii. Fire resistance -- pass.
 Test panels are to be prepared in accordance with paragraph 46.12 of TT-C520B with modified proce-

- dure requiring that tests be made on a 48-hour air-cured film at thickness recommended by compound manufacturer.
- b. Undercoating compound shall be applied with suitable airless or conventional spray equipment to the recommended film thickness and shall show no evidence of voids in the cured film.
Undercoating is not required on the underside of fiberglass fenders.
42. Ventilation:
 - a. The body shall be equipped with a suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening windows except in extremely warm weather.
 - b. Static-type non-closable exhaust ventilator may be installed in the low-pressure area of the roof.
 43. Wheelhousing:
 - a. The wheelhousing opening shall allow for easy tire removal and service.
 - b. The wheelhousing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from entering the body. The wheelhousing shall be constructed of 16-gauge steel or other material of equal strength.
 - c. The inside height of the wheelhousing above the floor line shall not exceed 12 inches.
 - d. The wheelhousing shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels.
 - e. No part of a raised wheelhousing shall extend to the emergency door opening.
Type A and B buses are exempt from this provision.
 44. Windows:
 - a. Each full side window shall provide an unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained by lowering window.
 - b. Push-out type, split-sash may be used.
 45. Windshield. The windshield shall have a horizontal gradient band starting slightly above the line of driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield.
Gradient band is optional on Type D bus.
 46. Windshield washers. A windshield washer system shall be provided.
 47. Windshield wipers:
 - a. A windshield wiping system, two-speed or more, shall be provided.
 - b. The wipers shall be operated by one or more air or electric motors of sufficient power to operate wipers. If one motor is used, the wipers shall work in tandem to give a full sweep of the windshield.
 48. Wiring:
 - a. All wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers J555a, published 1979, a copy of which is on file with the Office of the Secretary of State.
 - b. All wiring shall use a standard color coding.
 - c. Circuits:
 - i. Wiring shall be arranged in circuits as required with each circuit protected by a fuse or circuit breaker.
 - ii. Wiring shall be arranged in at least six regular circuits as follows:
 - (1) Head, tail, stop (brake), and instrument panel lamps.
 - (2) Clearance and step-well lamps (step-well lamp shall be actuated when the service door is opened).
 - (3) Dome lamp.
 - (4) Ignition and emergency door signal.
 - (5) Turn signal lamps.
 - (6) Alternately flashing signal lamps.
 - iii. Any of the above combination circuits may be subdivided into additional independent circuits.
 - iv. Whenever heaters and defrosters are used, at least one additional circuit shall be installed.
 - v. All other electrical functions (such as sanders and electric-type windshield washers) shall be provided with independent and properly protected circuits.
 - vi. Each body circuit shall be coded by number or letter on a diagram of circuits which shall be attached to the body in a readily accessible location.
 - d. The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted.
 - e. All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices are to be done at an accessible location and noted as splices on the wiring diagram.
 - f. A body wiring diagram of easy readable size shall be furnished with each bus body as a part of the operation/maintenance manual.
 - g. The body power wire is to be attached to a special terminal on the chassis.
 - h. All wires passing through metal openings shall be protected by a grommet.
 - i. Wires not enclosed within the body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors.

Historical Note

Adopted effective February 11, 1983 (Supp. 83-1).
Former Section R17-4-503 renumbered without change
as Section R17-4-610 (Supp. 87-2).

R17-4-611. The minimum standards for compressed, liquid or dual fuel gas systems for school buses

A. Definitions:

1. "AGA" means the American Gas Association.
2. "ASME" means the American Society of Mechanical Engineers.
3. "Compressed Natural Gas" or "CNG" means the gaseous fuel stored as a gas under high pressure, fed to series of pressure-reduction regulators and into existing gasoline carburetor or to natural gas carburetor.
4. "Container appurtenances" means the items connected to container openings needed to make a container a gas-tight entity. These include, but are not limited to, safety relief devices; shutoff; backflow check; excess flow check and internal valves; liquid level gauges; pressure gauges and plugs.
5. "Dual fuel systems" means the modifying of school buses so that they can use both gasoline and compressed or liquefied gas.
6. "ESV" means the emergency shutoff valve.
7. "LP-Gas" or "LPG" means liquefied petroleum gas in gas derived from petroleum which is compressed into a liquid and stored and handled as a liquid under pressure.
8. "NFPA" means the National Fire Protection Association.

9. "PSIG" means pounds per square inch gauge.
10. "SAE" means the Society of Automotive Engineers.
11. "UL" means the Underwriters' Laboratory, Inc.

B. Insurance:

1. Installers of compressed or liquefied gas systems shall be covered by an approved comprehensive General Liability Broad Form Insurance Policy which shall include, but shall not be limited to the following conditions:
 - a. Product/Completed Operations.
 - b. Premises and Operations.
 - c. Contractual Liability.
 - d. Independent Contractors.
2. The limit of liability for Bodily Injury and Property Damage Insurance shall not be less than one million (\$1,000,000) dollars Combined Single Limit per Occurrence.
3. Proof of such approved insurance shall be provided to the school bus owner prior to entering any contractual agreement for the installation of compressed or liquefied gas equipment on any school bus.

C. Installation:

1. No school bus equipped with a compressed or liquefied gas installation shall be used to transport children until the fuel system has been inspected and approved by a certified agent of the Motor Vehicle Division.
 - a. Any LP Gas item or installation failing to meet the requirements of the NFPA Pamphlet 58, January 16, 1980, edition, a copy of which is on file with the Secretary of State's Office, will not be approved by the Department.
 - b. Any compressed gas item or installation failing to meet the requirements of the AGA, May 1982 edition, a copy of which is on file with the Secretary of State's Office, will not be approved by the Department.
 - c. Any item or installation failing to meet the requirements of this Section will not be approved by the Department.
2. All compressed or liquefied gas installations, including conversion equipment and workmanship, shall meet or exceed all applicable standards of the National Fire Protection Association or the American Gas Association, copies of which are on file with the Secretary of State's Office.
3. Installation of compressed or liquefied gas systems shall be performed by or under the direct supervision of a technician with National LP Gas Certification or proof of factory training.
4. All carburetion equipment shall be UL-listed or AGA-approved.

D. Fuel containers:

1. Fuel containers shall meet ASME design pressure standards of 312 psig or greater, a copy of which is on file with the Secretary of State's office.
2. Fuel containers shall have a permanently attached protective housing to safeguard the container appurtenances.
3. LPG fuel containers must be equipped with a filler valve that shall limit filling to 80% of the containers capacity.
4. CNG fuel containers shall be filled from an automatically temperature compensated refueling station to prevent over pressurization at filling station ambient temperature.
5. Fuel containers shall be securely attached to the chassis frame.
6. A school bus shall have no more than two (2) LP Gas tanks. No single tank shall exceed 100-gallon water capacity. If two (2) fuel tanks are utilized, the tanks shall

be mounted on opposite sides of the bus, on the outside rail, and between the axles.

7. The container mounting may be on the left or right side of the vehicle. The container valves shall not be installed within thirty-six (36) inches of any door.

Type A school bus conversions are exempt from this provision.

E. Installation of fuel containers:

1. Fuel containers and appurtenances shall be mounted entirely below the floorline of the school bus.
2. If drilling into the chassis frame is necessary, the chassis manufacturer's requirements must be adhered to, except that in no case shall holes exceed 5/8-inch in diameter.
3. Fuel containers shall be mounted with two (2) or more mounting brackets. Each bracket shall be attached to the bus structure with at least two (2) bolts, 7/16-inch in diameter or larger. The bolts used to fasten the container mounting brackets to the bus shall be of the proper length, as follows:
 - a. At least one (1) full thread of the bolt shall be visible past the end of a properly tightened nut.
 - b. No mounting bolt shall be so excessively long that spacers, or a total of more than three (3) washers, are necessary for the bolt to be properly tightened.
4. If a fuel container is mounted to the chassis frame by use of mounting bolts above and below the frame, the backing plate on the opposite side of the frame shall be at least 1/4-inch thick steel.
5. Welding or application of heat to the chassis frame is prohibited.
6. Fuel container mounting bracket
 - a. When strap-type brackets are used to hold LPG containers, they shall be steel bands of not less than 1/4-inch thickness and not less than two (2) inches in width and capable of withstanding in any direction a static force of four (4) times the weight of the fully loaded container.
 - b. Each CNG container in a cradle shall be secured to its cradle by means capable of withstanding in any direction a static force of eight (8) times the weight of the fully loaded container.
 - c. Two (2) or more brackets per tank shall be used for containers up to and including sixty (60) gallon water capacity.
 - d. Three (3) or more brackets per tank shall be used for containers exceeding sixty (60) gallon water capacity.
 - e. Strap-type braces shall be installed at opposite ends of the fuel tank.
7. Clearance. Containers shall be installed with as much road clearance as practicable but shall not in any circumstance extend below the differential. This clearance shall be measured when the vehicle is under full-rated load and is standing on a flat surface. It shall be measured on the bottom of the container, or to the lowest fitting, support or attachment on the container or container housing, whichever is lower under full-rated load of the school bus.

F. Safety and check valves:

1. When more than one (1) LPG fuel container is used in a system, a backflow check valve shall be installed in each fuel line to prevent passing of fuel between tanks during filling operations. A hydrostatic relief valve with a pressure setting not lower than 350 psig, nor higher than 500 psig, shall be installed between the backflow check valves and the fuel lock-off valve to the carburetor.

2. A pressure relief valve outlet shall be piped to a discharge port vented upward at a 45° angle in the body skirting area, just below the lower rub rail at the bus floor. The discharge port shall not be installed within thirty-six (36) inches of any door, the filling connector or exhaust port.
 3. The manual shutoff valve shall be readily accessible for emergency use without opening the access door.
 4. An automatic fuel supply shutoff valve shall be installed, in a protected location, and shall be activated by engine vacuum or oil pressure.
- G. Dual fuel systems only:**
1. When dual fuel systems are utilized, the compressed or liquefied gas container(s) may be mounted on the opposite side of the bus from the gasoline fuel tank.
 2. This shall not prohibit installation of a container behind the rear axle of a bus, provided that the rear frame cross-member remains intact, or is reinstalled after the fuel container is in place.
- H. Fuel conversion systems.** When a bus is converted to straight compressed or liquefied gas, the gasoline tank shall be removed.
- I. Clearances.** Compressed or liquefied gas containers and supply lines shall have a minimum clearance of eight (8) inches from the engine exhaust system unless a protective shield is provided. The shield shall be constructed of at least eighteen (18) gauge metal, properly braced and attached to protect the fuel system from radiant heat from the exhaust system. This shield shall not be attached to exhaust or fuel system.
- J. Fuel lines and installation:**
1. Fuel lines shall be permanently secured at intervals of not more than two (2) feet and shall be placed in such a manner as to minimize the possibility of damage due to vibration, strains or wear.
 2. Fuel lines passing through a structural member shall be protected by rubber grommets or bulkhead fittings and follow the main frame channel wherever possible.
 3. All LPG fuel lines shall be approved stainless steel, wire braid reinforced, with a minimum working pressure of 350 psig, a minimum burst pressure of 1750 psig, and labeled at no greater than ten (10) foot intervals as LP Gas or LPG.
 4. All CNG pressure tubing shall be seamless or welded steel and shall be tested and certified to a working pressure of 2400 psig with a 4-1 safety factor.
- K. General:**
1. If access to the fill valve and gauging device is through the body skirt, a locking door shall be provided. The manual shutoff valve should be accessible through this door, unless the tank is remotely filled.
 2. The letters "ESV" in two-inch red block letters, painted or decal, shall be placed in a visible location nearest the container shutoff valve to mark the location for emergency use.
 3. Decals or lettering may be placed adjacent to the refueling point with refueling instructions or identification as to the use of a compressed or liquefied gas.

Historical Note

Adopted effective August 24, 1983 (Supp. 83-4). Former Section R17-4-506 renumbered without change as Section R17-4-611 (Supp. 87-2).

R17-4-612. Minimum standards for the periodic inspection and maintenance of school buses

Inspection standards. Standards for the periodic inspection of school buses will be based on *Arizona Minimum Standards for*

School Buses, R17-4-609 and R17-4-610, in effect on the date of manufacture, except for retroactive changes required by rule or law.

Historical Note

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-505 renumbered without change as Section R17-4-612 (Supp. 87-2). Amended by summary action, interim effective date March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

ARTICLE 7. MISCELLANEOUS RULES**R17-4-701. Private Fire Emergency Vehicle****A. Definitions:**

1. "The Applicant" means person, persons, or entity applying for a permit for a private fire emergency vehicle.
2. "Department" is defined in accordance with A.R.S. § 28-101(16).
3. "Director" is defined in accordance with A.R.S. § 28-101(17).
4. "Emergency Vehicle Permit" means a document issued by the Director of the Motor Vehicle Division authorizing the driver of a permitted motor vehicle to exercise the privileges set forth in A.R.S. § 28-624.
5. "Fire Engine" means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.
6. "Private Fire Department" means a fire-fighting concern which is neither a public service corporation nor a municipal entity but is equipped to provide emergency fire-fighting devices for a private purpose.
7. "Private Fire Emergency Vehicle" means a fire engine operated by a Private Fire Department for which an Emergency Vehicle Permit has been issued.

B. A separate written application shall be made to the Director for each fire engine for which an emergency vehicle permit is requested.

1. The application shall be made to the Department's Transportation Safety Office, Motor Vehicle Division.
2. The applicant shall certify that the fire engine shall be operated by a Private Fire Department.
3. The applicant shall certify that the driver of the fire engine meets the operator requirements of this rule.
4. The applicant shall demonstrate acceptable financial responsibility to protect any liability that may arise from the use of the permit. Acceptable financial responsibility shall be demonstrated by a comprehensive motor vehicle liability insurance policy.
 - a. The policy shall be written for a combined single-limit coverage of at least \$5 million.
 - b. The policy shall be issued by an insurance company licensed to do business in Arizona by the Arizona Department of Insurance.
 - c. The policy shall provide that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions. Additionally, the policy shall provide that the state of Arizona shall be notified if the insurance company becomes insolvent.
 - d. The policy, together with all endorsements, shall be provided to the Division at time of initial application.
 - e. No permit shall be issued until the insurance policy is approved by the Director.

C. Operational Requirements.

1. Private fire emergency vehicles may be operated with the privileges set forth in A.R.S. § 28-624 but shall be subject

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to all other applicable provisions set forth in A.R.S. Title 28, A.A.C. Title 17, and applicable local laws.

2. Private fire emergency vehicles shall only be driven by operators who meet the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), 1988 edition which is incorporated by reference herein and on file in the Office of the Secretary of State.
3. The emergency vehicle permit shall be carried at all times in the vehicle for which it is issued.
4. The emergency vehicle permit shall remain the property of the Division, shall not be transferable, and shall be surrendered to the Division upon revocation or suspension.
5. The emergency vehicle permit shall be valid for 12 months and may be renewed upon application.

D. Denial and Revocation; Appeal

1. The emergency vehicle permit shall be revoked upon a determination by the Director that:
 - a. The permitted vehicle or the permittee no longer meets the requirements for the permit, or
 - b. The vehicle was operated in violation of the provisions of this rule or any other applicable rule or statute.
2. The order of revocation shall be preceded by a notice of intent to revoke. The notice of intent to revoke shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application.
3. The notice of intent to revoke shall inform the permittee of the right to a hearing and the procedure for requesting a hearing.
4. Permittee may request a hearing within 15 days after receipt of notice of intent to revoke by mailing or delivering a written request to: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.
5. The order of revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
6. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 41-1061 et seq. and A.A.C. R17-4-901 et seq.
7. The permittee shall be allowed to reapply for a permit following revocation.
8. If the application for a permit is denied, the denial shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.

- E. Permit Format.** The attached permit format, Appendix A, is adopted and prescribed for use.

Historical Note

Adopted effective February 1, 1994 (Supp. 94-1).

APPENDIX A**Arizona Department of Transportation****PRIVATE FIRE EMERGENCY VEHICLE PERMIT**

Permittee: _____ Issue Date _____
 _____ Expiration Date _____
 _____ Permit Number _____

Name of Company: _____

Location: _____

Mailing Address: _____

Telephone: _____

Description of Vehicle: _____

Make: _____ Model: _____ Year: _____
 VIN: _____ License Plate Number: _____

Certification of Driver Qualification:

_____, the Applicant, certifies that all persons who will drive the permitted vehicle have met or will have met the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), 1988 Edition.

 (Signature)

 Name and Title (Print)

Historical Note

Adopted effective February 1, 1994 (Supp. 94-1).

R17-4-702. Fees for Copies of Public Records**A. Fees:**

1. Motor vehicle record (driver):
 - a. Over-the-counter (immediate service)

not certified	\$3.00
certified	\$5.00
 - b. Over-the-counter (overnight service)

not certified	\$2.00
certified	\$5.00
 - c. Mail-in

not certified	\$3.00
certified	\$5.00
 - d. Computer tape-to-tape (39-month record) \$2.00
 - e. Computer tape-to-tape (5-year record) \$3.00
 - f. Support documents (items in reference to the requested material)

not certified	\$3.00
certified	\$5.00
 - g. Electronic data interface (39-month record) \$2.00
 - h. Electronic data interface (5-year record) \$3.00
 - i. Electronic data interface (no record) \$2.00
 - j. On-line interactive (39-month record) \$3.00
 - k. On-line interactive (5-year certified record) \$5.00
 - l. On-line interactive (no record) \$3.00
2. Motor vehicle record (vehicles):
 - a. Over-the-counter (immediate service)

not certified	\$3.00
certified	\$5.00
 - b. Over-the-counter (overnight service)

not certified	\$2.00
certified	\$5.00
 - c. Mail-in

not certified	\$3.00
certified	\$5.00
 - d. Computer tape-to-tape \$2.00
 - e. Support documents (items in reference to the requested material)

not certified	\$3.00
certified	\$5.00
 - f. Electronic data interface (39-month record) \$2.00
 - g. Electronic data interface (5-year record) \$3.00
 - h. Electronic data interface (no record) \$2.00
 - i. On-line interaction (39-month record) \$3.00
 - j. On-line interactive (5-year certified record) \$5.00
 - k. On-line interactive (no record) \$3.00
3. Driver license photo:
 - a. Over-the-counter

not certified	\$3.00
certified	\$5.00
 - b. Mail-in

not certified	\$3.00
certified	\$5.00

4. Record search fee: When a record is researched, and requested information is not available, a verification of the search shall be provided. Research may require several separate searches. A fee for each search shall be as follows:
 - a. Over-the-counter \$3.00
 - b. Mail-in \$3.00
 5. Fax service shall require an additional per page fee of: \$2.00
 6. Photostat or microfilm copies may be made in any section of the Division and shall require a fee per page as follows: \$.25
- B. Computer tape-to-tape (Motor Vehicle Records):**
1. Tape-to-tape use for motor vehicle records shall be for no less than 100 requests per tape.
 2. Users shall post a surety bond pursuant to A.R.S. § 28-212.
 - a. Billing shall be done on a monthly basis.
 - b. Payment is due within 15 days of the billing date.
- C. Over-the-counter service shall be limited to 2 requests per customer if others are waiting to be served.**
- D. Payment:**
1. Copies shall not be released until fees are paid or a surety bond is posted.
 2. Fees shall be paid by cash, money order, check, or other payment alternative allowed or accepted pursuant to A.R.S. Title 28.
 - a. Checks require a bank guarantee card and 1 form of identification.
 - b. Checks returned for nonpayment because of insufficient funds, payments stopped, or closed accounts shall be assessed a fee of \$10 pursuant to R17-4-707.
- E. Refunds are made pursuant to A.R.S. § 28-214**

Historical Note

Adopted effective November 15, 1989 (Supp. 89-4).

Model year of motorcycle	Speed limit of 35 m.p.h. or less	Speed limit of more than 35 m.p.h. and less than or equal to 45 m.p.h.	Speed limit of more than 45 m.p.h.
Before 1972	84 dBA	88 dBA	88 dBA
1972-1980	79 dBA	82 dBA	86 dBA
After 1980	76 dBA	80 dBA	83 dBA

- B.** The noise limits established by this Section shall be based on measurements taken at a distance of 50 feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than 50 feet from the center of the lane of travel. In such cases, the measurement shall be corrected to what it would be at the standard distance of 50 feet, for comparison with the standard.
- C.** For speed zones of 35 miles per hour or less, notwithstanding the provisions stated above, measurement shall not be made within 200 feet of any intersection controlled by an official traffic device or within 20 feet of the beginning or end of any grade in excess of plus or minus one percent. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed and measurement shall not be made under congested traffic conditions which require notice able acceleration or deceleration.

Historical Note

Adopted effective August 2, 1978 (Supp. 78-4). Former Section R17-4-61 renumbered without change as Section R17-4-705 (Supp. 87-2).

Amended effective October 11, 1995 (Supp. 95-4).

R17-4-703. Reserved**R17-4-704. Child-restraint systems in motor vehicles**

Child-restraint systems shall be constructed to specifications contained in Federal Motor Vehicle Safety Standard number 213. Safety Standard 213 requires the following information be provided with the restraint system.

1. On a permanent label attached to the restraint, the statement "This child-restraint system conforms to all applicable federal motor vehicle safety standards".
2. On a permanent label, attached to the restraint, the manufacturers recommendations for the minimum and/or maximum weight and height of the children who can safely occupy the system.
3. Printed installation instructions with step-by-step procedures, including diagrams for installing the system in motor vehicles, positioning the child in the system, and adjusting the system to fit the child. Each restraint system shall have a location on the restraint for storing the manufacturers installation instructions.

A copy of Federal Motor Vehicle Safety Standard 213 is on file with the Office of the Secretary of State.

Historical Note

Adopted effective October 6, 1983 (Supp. 83-5). Former Section R17-4-49 renumbered without change as Section R17-4-704 (Supp. 87-2).

R17-4-705. Motorcycle noise level limits

- A.** No person shall operate any motorcycle on the streets or highways of the state of Arizona at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits. For the purpose of this Section, "dBA" shall mean "A" weighted decibel, a sound level measurement unit.

R17-4-706. Motorcycle safety equipment

- A.** Definitions -- The words and phrases when used in these rules shall have the meanings respectively ascribed to them.
1. "Commission" means the Arizona State Highway Commission.
 2. "Department" means the Highway Department of this state acting directly or through its duly authorized officers and agents.
 3. "Superintendent" means the Superintendent of the Motor Vehicle Division of the Arizona Department of Transportation.
 4. "Motorcycle" for the purpose of this rule is defined as any motor-driven vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding tractors and vehicles on which the operator and passengers ride within an enclosed cab in accordance with the standard established by the United States Department of Transportation.

5. "Handrails": A device adequately mounted on the vehicle, passenger seat, fender or frame, to insure safety of the passenger.
 6. "Footrest or foot pegs": A device adequately mounted on each side of the frame of the vehicle, to insure safety of the passenger.
 7. "Endorsement": Written consent or license, on the back side of the applicant's operator or chauffeur license.
- B. Applications:**
1. An applicant for a motorcycle or motor-driven cycle license shall be at least sixteen (16) years of age.
 2. An applicant must pass a written test, eye test, same as for operator and chauffeur, and a skill or driving test with motorcycle.
 3. An applicant's current operator or chauffeur license will be endorsed to permit operation of a motorcycle or motor-driven cycle.
 4. An "Instruction Permit" shall not be valid for use on any highway, street, road or other right of way designed for vehicular travel except when traveling to and from a driver license service office for the purpose of taking the skill or driving test with a motorcycle.
 5. An endorsement for a motorcycle license shall be valid until the expiration date of the applicant's current operator or chauffeur license.
 6. Applicants who do not hold a valid Arizona operator or chauffeur license and are not under suspension or revocation as described under A.R.S. § 28-446 shall be issued a new motorcycle license.
- C. Suspension, revocation, cancellation.** Suspension, revocation, cancellation shall be applicable to a motorcycle licensee the same as operator and chauffeur licenses.
- D. Locations for testing.** Applications and testing for motorcycle licenses or endorsements will be processed in all Arizona counties and will be issued on designated dates and times as established by the Superintendent.
- E. General provisions:**
1. The operator and passenger of a motorcycle or motor-driven cycle shall, at all times while operating or riding on such motorcycle or motor-driven cycle, wear a protective helmet on his head in an appropriate manner safely secured. The operator and passenger of a motorcycle or motor-driven cycle shall also wear protective glasses or a transparent face shield of a type approved by the Commission unless the motorcycle or the motor-driven cycle is equipped with a protective windshield.
 2. A motorcycle and motor-driven cycle shall be equipped with a rear-view mirror, seat and footrests for the operator in addition to regular equipment required for registration. Any motorcycle or motor-driven cycle operated with a passenger shall be equipped with seats, footrests, and handrails for such passenger.
 3. Handlebars rising more than 15 inches above the level of the driver's seat or saddle or a motorcycle or motor-driven cycle are prohibited.
- F. Specifications for glasses, goggles, transparent face shields, windshields and protective helmets:**
1. Glasses or goggles:
 - a. A device consisting of glass or plastic eye pieces or eye cups worn over the eyes and held in place by a headband or temple piece for protection of the eyes and eye sockets.
 - b. Shall be approved by the Commission only if they meet requirements established for head, eye and respiratory protection, specifically that portion applicable to the following type of eye protection devices:
 - i. Goggles, eye cup (except welders and cutters)
 - ii. Glasses, metal or plastic frame
 - iii. Goggles, flexible fitting
 - iv. Glasses, plastic shield.
- G. Face shield:**
1. A device attached to a helmet which covers the wearer's face to a point of approximating the top of the nose for the purpose of providing protection of the eyes against flying objects, dust glare or a combination of these hazards.
 2. The shield must be adequately supported, as a snap-on or flip-up attachment to the helmet.
 3. The shield covers the face both front and sides, from the leading edge of the helmet above the eyes to a point at or below the top of the nose.
 4. The edge of the shield is smooth and, if beveled, it must be dull finished.
 5. Shall be approved by the Commission only if they meet the established requirements.
- H. Windshield:**
1. A device mounted on a two-wheeled motorized vehicle forward of the rider designed to deflect wind and/or small flying objects from the face and body of the rider.
 2. Shall be approved by the Commission only if the visual material meets the specifications of the United States of America Standards Institute, No. 26.1-1966.
- I. Protective helmet:**
1. A covering device primarily intended to protect the upper part of the wearer's head against a blow.
 2. Every person operating a motorcycle or riding as a passenger on a motorcycle or in a side car attached to a motorcycle shall wear protective head gear, with a suitable retaining device in position, designed and manufactured to protect at least the area of the wearer's head above a reference plain 2.36 inches (60 MM) above and parallel to a plain defined by the level external ear openings and the lower rim of the eye openings against rapid deceleration upon impact.
 3. Effective January 1, 1969, such protective head gear shall be labeled by the manufacturer or its duly authorized agent on the helmet with legible letters or numbers indicating the manufacturer's name and/or number.
 4. The Commission will approve only those helmets that are designed and constructed so as to meet the requirements of the United States of America Standards Institute, No. Z90.1-1966.
 5. The Commission shall compile and publish a list of glasses, goggles, transparent face shields, windshields and protective helmets approved by them as meeting the provisions of A.R.S. § 28-964 and of this rule.
- J. Plates - registration.** All operators of motorcycles or motor-driven cycles shall display the license plate at the rear of the motorcycle and have in their possession the registration to the cycle they are operating on the highway.

Historical Note

Former Rule, General Order 96. Former Section R17-4-39 renumbered without change as Section R17-4-706 (Supp. 87-2).

R17-4-707. Fee for returned checks

- A.** Any person who issues a check which is subsequently returned to the Department because of insufficient funds, payments stopped or closed accounts shall be assessed a fee of ten dollars and any statutory penalties for each check.
- B.** For each check returned for the reasons set forth in subsection (A) of this rule, the Department shall require payment by

means of certified funds or cash, of both the original amount of the returned check and the fee described in subsection (A) of this rule.

Historical Note

Adopted as an emergency effective April 24, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-2). Emergency expired. Former Section R17-4-66 renumbered and reserved as R17-4-707 (Supp. 87-2). New Section R17-4-66 adopted and renumbered as Section R17-4-707 effective August 11, 1987 (Supp. 87-3).

R17-4-708. Personalized License Plates

A. Definitions.

1. "Committee" means the Personalized Plate Committee comprised of seven employees of the state of Arizona appointed by the Division Director to serve at the Director's pleasure, to conduct reviews of applications and/or public complaints regarding Personalized Plates.
2. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
3. "Division Director" means the Assistant Director for the Motor Vehicle Division of the Arizona Department of Transportation.
4. "Format" means the combination of letters, numbers and spaces on vehicle number plates.
5. "Personalized Plates" means personalized number plates as defined in A.R.S. § 28-375.

B. Procedures for application.

1. An applicant for issuance of Personalized Plates shall file an application form provided by the Division defining the Format requested.
2. The requested Format shall meet the criteria as set forth in A.R.S. § 28-375.
3. The Division shall review the requested Format to determine if the content violates the provisions of A.R.S. § 28-375. Prohibited Formats shall be rejected.
4. If the Format is rejected prior to review by the Committee, the Division shall inform the applicant at the time application is made or by mail. The applicant may make a written request, within 15 days of rejection, for review of the Format by the Committee.

C. Prohibited Format. Formats with the following contents are prohibited:

1. Combinations of letters, words or numbers with any connotation which is profane or obscene.
2. Combinations of letters, words or numbers which connote breasts, genitalia, pubic area, buttocks, or relate to sexual and eliminatory functions.
3. Combinations of letters, words or numbers which connote the substance, paraphernalia, sale, user, purveyor of, or physiological state produced by any illicit drug, narcotic or intoxicant.
4. Combinations of letters, words or numbers that express contempt, ridicule, or superiority of a defined class of persons.

D. Review by the Committee.

1. The Committee shall review the Format for connotations that may reasonably be detected through linguistic, numerical, or phonetic modes of communication. The review may include translation from foreign languages, an upside-down or reverse reading of the requested Format and may include the use of references such as dictionaries or glossaries of slang, foreign language, or drug terms.
2. The Committee shall consider the applicant's declared definition of the Format.

3. The Committee shall recommend to the Director whether the application be approved or disapproved.

4. The Director shall render a decision regarding the acceptability of the format. If the application is rejected, the Division shall notify the applicant in writing of the right to appeal to the Division Director pursuant to paragraphs (E)(5) and (6) of this rule.

E. Recall of Issued Personalized Plates.

1. If, after issuance of a Personalized Plate, the Division becomes aware that the Format may be prohibited by subsection (C) of this rule, the Committee shall review the Format.
2. If the Committee determines that the issued Format is prohibited, the Committee shall so advise the Director.
3. The Director will determine whether the Format is prohibited and the holder of the plates shall be notified in writing and directed to surrender the plates.
4. The holder of the plates may appeal the decision to the Division Director.
5. An appeal shall be in writing and shall be submitted to the Division Director within 15 days of the final decision. The appeal shall include any additional evidence the applicant wishes the Division Director to consider.
6. The Director shall consider the evidence presented by the applicant and render a final decision.
7. The holder of the plates shall be issued a refund for the amount of the Personalized Plate fee and the pro rata amount of the special annual renewal fee or shall be allowed to apply for replacement Personalized Plates.
8. If the holder of plates found to violate subsection (C) of this rule fails to voluntarily surrender the plates within 30 days after the mailing of the notice of the Division's final decision that the Format is prohibited, the Division shall cancel the Personalized Plates and vehicle registration.

Historical Note

Adopted effective January 13, 1993 (Supp. 93-1).

EMERGENCY RULEMAKING

R17-4-709. Ignition Interlock Device Certification, Reliability and Accuracy Assurance

A. Definitions. In this Section, unless the context otherwise requires:

1. "Audit" means an examination by Arizona Department of Transportation, Motor Vehicle Division personnel of participant records and supplies of warning labels and written instructions.
2. "Authorized installer" means a person or entity appointed by a manufacturer to install and service certified ignition interlock devices provided by the manufacturer.
3. "Calibration" means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify the device's accuracy.
4. "Certified ignition interlock device" has the meaning set forth at A.R.S. § 28-1301(1), as added by Laws 1998, Ch. 302, § 17.
5. "Data logger sheet" means the printed report generated from an ignition interlock device that contains all activities, data recordings, and actions pertaining to the device.
6. "Day" means calendar day.
7. "Division" means the Arizona Department of Transportation, Motor Vehicle Division.
8. "Ignition interlock device" has the meaning set forth at A.R.S. 28-1301(4), as added by Laws 1998, Ch. 302, § 17.
9. "Independent laboratory" means a laboratory, operated by a person or entity other than a manufacturer, that can

test an ignition interlock device in accordance with Sections 1 and 2 of the National Highway Traffic Safety Administration (NHTSA) specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772-11787, April 7, 1992. The NHTSA specifications for BAIIDs are incorporated by reference and are on file with the Division and the Office of the Secretary of State. The NHTSA specifications for BAIIDs are also available from the Office of Research & Traffic Records, Room 6240 (NTS-30), NHTSA, 400 7th Street SW., Washington, DC 20590, Telephone: (202) 366-5593. This incorporation by reference contains no future editions or amendments.

10. "Manufacturer" means a person or entity that provides ignition interlock devices, requests the Division to certify a model of ignition interlock device, and appoints and oversees the authorized installers of the certified ignition interlock device.
11. "Material modification" means a change to a certified ignition interlock device that affects the functioning of the device.
12. "NHTSA specifications" means the specifications for BAIIDs incorporated by reference at subsection (A)(9).
13. "Participant" means a person ordered by an Arizona court to equip each motor vehicle operated by the person with a functioning certified ignition interlock device and who becomes an authorized installer's customer for installation and servicing of a certified ignition interlock device.
14. "Use" means the installation, operation, service, repair, and removal of an ignition interlock device.

B. Certification procedure for ignition interlock devices. An ignition interlock device installed in a motor vehicle pursuant to the order of an Arizona court shall be a model certified by the Division in accordance with this Section. For each model of ignition interlock device to be certified, the manufacturer shall make application to the Division by submitting a properly filled out application form and all additional items required by subsection (B).

1. The application form shall set forth the following:
 - a. The manufacturer's name;
 - b. The manufacturer's business address and telephone number;
 - c. The manufacturer's status as a sole proprietorship, partnership, limited liability company or corporation;
 - d. The name of the sole proprietor or of each partner, officer, director, agent, 20% or more stockholder, or manager of a limited liability company or member of a limited liability company whose management is reserved to the members;
 - e. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
 - f. The following statements, signed by an authorized representative for the manufacturer and acknowledged before a notary public:
 - i. A statement certifying that all information on the application form and attachments to the application is complete, true, and correct;
 - ii. A statement certifying that the manufacturer agrees to indemnify and hold the state of Arizona, the Division, and any department, division, agency, officer, employee or agent of the state of Arizona harmless from all liability for damage to property and injury to people arising, directly or indirectly, out of any act or

omission by the manufacturer or authorized installer appointed by the manufacturer relating to the use of the ignition interlock device. The statement shall certify that, in the event of litigation, the manufacturer agrees to indemnify and hold the state of Arizona, the Division, and any department, division, agency, officer, employee or agent of the state of Arizona harmless from all court costs, expenses of litigation, and reasonable attorneys' fees;

- iii. A statement certifying that the manufacturer agrees to comply with the breath alcohol level established by the Division for certified ignition interlock devices and printed on the application form; and
 - iv. A statement certifying that the manufacturer agrees to comply with the requirements of this Section.
2. With the application form, the manufacturer shall submit the following additional items:
 - a. A document setting forth a detailed description of the ignition interlock device, with a photograph, drawing, or other graphic depiction of the device;
 - b. A document containing complete technical specifications that describe the accuracy, reliability, security, data collection and recording, and tamper detection of the ignition interlock device;
 - c. A report prepared by an independent laboratory chosen by the manufacturer, presenting data demonstrating that the ignition interlock device meets or exceeds the test results required by Sections 1 and 2 of the NHTSA specifications and providing the laboratory's name, address, and telephone number, and the name and model number of the ignition interlock device tested;
 - d. The laboratory certification form, signed by an authorized representative of the laboratory that prepared the report required in subsection (B)(2)(c) and acknowledged before a notary public, certifying the following:
 - i. The laboratory is operated by a person or entity other than a manufacturer;
 - ii. The laboratory tested the ignition interlock device in accordance with Sections 1 and 2 of the NHTSA specifications;
 - iii. The ignition interlock device met or exceeded the test results required by Sections 1 and 2 of the NHTSA specifications;
 - iv. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; and
 - v. The laboratory presented accurate test results;
 - e. A document containing the complete list of the authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer;
 - f. A document containing the complete written instructions provided to authorized installers for installation, operation, service, repair, and removal of the ignition interlock device, including the instruction to affix to each installed certified ignition interlock device a warning label conforming to the design adopted by the Division pursuant to A.R.S. § 28-1462(E) and printed on the application form;

- g. A document containing the complete written instructions provided to participants and other operators of a vehicle equipped with the ignition interlock device; and
 - h. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, that evidences the following:
 - i. A product liability policy with a current effective date;
 - ii. The name and model number of the ignition interlock device covered by the policy;
 - iii. A policy limit of at least \$1,000,000;
 - iv. The manufacturer as the insured and the Division as an additional insured;
 - v. Product liability coverage for defects in manufacture, materials, design, calibration, installation, operation, service, repair, and removal of the ignition interlock device; and
 - vi. A statement that the insurance company will notify the Division 30 days before cancellation of the product liability policy.
- C. Application completeness; refusal; hearing.**
1. After application completeness occurs, the Division shall certify or refuse to certify an ignition interlock device.
 - a. The Division shall notify the manufacturer within 10 days after receiving an application for ignition interlock device certification that the application form or additional items are incomplete.
 - i. The Division shall specify what information or documents are needed to complete the application form or additional items.
 - ii. If the manufacturer fails to submit the necessary information or documents within 20 days after notification of incompleteness, the Division shall terminate the ignition interlock device certification process.
 - b. To confirm that the device meets the NHTSA specifications, the Division shall choose an agency or individual outside the Division to review an independent laboratory's report. The outside reviewer shall submit to the Division written confirmation or disapproval of the independent laboratory's report.
 - c. Application completeness occurs when the Division receives a properly filled out application form, all additional items required by subsection (B), and an outside reviewer's written confirmation or disapproval of the independent laboratory's report.
 2. The Division shall refuse to certify an ignition interlock device upon finding any of the following:
 - a. A defect in design, materials or workmanship that causes failure of an ignition interlock device to function as intended;
 - b. Termination or cancellation of a manufacturer's liability insurance;
 - c. The manufacturer's discontinuance of providing the ignition interlock device;
 - d. False or inaccurate information relating to the performance of an ignition interlock device, provided by the manufacturer or independent laboratory; or
 - e. Modification or alteration of the components, design or installation and operating instructions so that an ignition interlock device no longer satisfies the NHTSA specifications.
 3. The Division shall notify the manufacturer by certified mail of the certification of an ignition interlock device or of the refusal to certify the device, specifying the basis for refusal.
 - a. If certification is refused, the notice shall state that the manufacturer may request a hearing by submitting, within 15 days after the date of mailing of the notice of refusal, a written hearing request addressed to the Motor Vehicle Division, Administrative Hearings Office, 1801 West Jefferson, Phoenix, Arizona 85007.
 - b. If timely requested, the hearing shall be noticed and conducted in accordance with A.R.S. §§ 41-1061 to 41-1066; A.R.S. § 41-1067, as added by Laws 1998, Ch. 57, § 51, effective August 21, 1998; and 17 A.A.C. 4, Article 9.
- D. Cancellation of certification; hearing.**
1. The Division shall cancel the certification of a device and remove it from the list of certified ignition interlock devices upon finding any of the following:
 - a. A defect in design, materials or workmanship that causes failure of an ignition interlock device to function as intended;
 - b. Termination or cancellation of a manufacturer's liability insurance;
 - c. The manufacturer's discontinuance of providing the ignition interlock device;
 - d. False or inaccurate information relating to the performance of an ignition interlock device, provided by the manufacturer or independent laboratory;
 - e. Modification or alteration of the components, design or installation and operating instructions so that an ignition interlock device no longer satisfies the NHTSA specifications;
 - f. A voluntary request by a manufacturer to cancel the certification of an ignition interlock device; or
 - g. Noncompliance by a manufacturer or authorized installer with any reliability and accuracy provision set forth at subsections (E) through (H) or with any records retention, copy submission, and audit provision set forth at subsection (I).
 2. The Division shall send the manufacturer by certified mail the notice and order of cancellation of the certification of an ignition interlock device.
 - a. The notice and order of cancellation shall specify the basis for the action.
 - b. The order of cancellation shall become effective 15 days after the date of mailing of the notice and order, unless the manufacturer files a timely response.
 3. If the Division cancels the certification of an ignition interlock device, the notice and order of cancellation shall require the manufacturer to appear at a specified time and place to show cause why the certification of the ignition interlock device should not be canceled.
 - a. The manufacturer shall submit, within 15 days after the date of mailing of the notice and order of cancellation, a written response to the order of cancellation addressed to the Motor Vehicle Division, Administrative Hearings Office, 1801 West Jefferson, Phoenix, Arizona 85007.
 - b. If no response is received by the Motor Vehicle Division by 15 days after the date of mailing of the notice and order, the order of cancellation is effective.
 - c. If a timely response is submitted, the hearing shall be noticed and conducted in accordance with A.R.S. §§ 41-1061 to 41-1066; § 41-1067, as added by

Laws 1998, Ch. 57, § 51. effective August 21, 1998; and 17 A.A.C. 4, Article 9.

4. If the order of cancellation becomes effective, the manufacturer shall have full responsibility, including payment of all costs, for removal of decertified ignition interlock devices and replacement with certified devices.
 - a. Within 60 of the effective date of the order of cancellation, the manufacturer shall complete the removal of all decertified ignition interlock devices and replacement with certified devices.
 - b. A manufacturer of decertified ignition interlock devices who is not the manufacturer of a model that remains certified, shall pay the costs of replacing the decertified devices with certified ignition interlock devices provided by another manufacturer.
 5. The Division shall not accept an application for certification of an ignition interlock device submitted by a manufacturer who, within 60 days of the effective date of an order of cancellation, fails to complete the removal of all decertified ignition interlock devices and replacement with certified devices.
 6. A manufacturer shall not provide for installation pursuant to an Arizona court order a previously certified ignition interlock device that has been decertified, unless the manufacturer submits to the Division the completed application form and all additional items required by subsection (B), and the Division certifies the device.
- E.** Reliability and accuracy assurance; modification of a certified ignition interlock device.
1. A manufacturer shall notify the Division in writing of any material modification or alteration in the components, design or installation and operating instructions of a certified ignition interlock device.
 2. A manufacturer shall not provide for installation pursuant to an Arizona court order a certified ignition interlock device that has been materially modified or altered in components, design or installation and operating instructions, unless the manufacturer submits to the Division the completed application form and all additional items required by subsection (B), and the Division certifies the modified or altered device.
- F.** Reliability and accuracy assurance; referral to authorized installers; manufacturer oversight of authorized installers.
1. A manufacturer shall refer a participant only to an authorized installer.
 2. A manufacturer shall provide the Division with a toll free telephone number for a participant to call to obtain names, locations, telephone numbers, contact people, and hours of operation of authorized installers.
 3. A manufacturer shall ensure that an authorized installer follows the installation, operation, service, repair, and removal procedures established by the manufacturer.
 4. A manufacturer shall ensure that an authorized installer has the training and skills specified by the manufacturer to install, troubleshoot, and examine and verify proper operation of the certified ignition interlock device.
 5. A manufacturer shall ensure that an authorized installer maintains a \$10,000, bond executed by a surety company authorized to transact business in Arizona, that meets the following requirements:
 - a. Identifies the authorized installer as principal obligor and the state of Arizona as obligee; and
 - b. Contains on the following provisions:
 - i. The bond is conditioned on the authorized installer's compliance with the provisions of this Section;
 - ii. The bond shall be noncancellable during the time the authorized installer retains that status; and
 - iii. The bond shall benefit any person who suffers loss because of the insolvency or discontinuance of business of the authorized installer or the failure of the authorized installer or the failure of the authorized installer to comply with the provisions of this Section.
6. A manufacturer shall ensure that an authorized installer complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle. The manufacturer shall ensure that within 10 days after removal of a certified ignition interlock device, the authorized installer notifies the Division by certified mail of the device's removal.
 7. A manufacturer shall ensure that an authorized installer provides every participant and every person operating a motor vehicle equipped with the certified ignition interlock device with the manufacturer's written instructions for the following:
 - a. Cleaning and caring for the certified ignition interlock device;
 - b. Types of vehicle malfunctions or repairs that affect the device, and what to do when vehicle malfunctions occur or repairs are necessary; and
 - c. Operating a motor vehicle equipped with the certified ignition interlock device.
 8. A manufacturer shall ensure that an authorized installer provides every participant and every person operating a motor vehicle equipped with the certified ignition interlock device with manufacturer specified hands-on training in operating a motor vehicle equipped with the certified ignition interlock device.
 9. A manufacturer shall ensure that an authorized installer affixes to each installed certified ignition interlock device a warning label conforming to the design adopted by the Division pursuant to A.R.S. § 28-1462(E).
- G.** Reliability and accuracy assurance; installation verification; accuracy check; noncompliance report.
1. After ensuring that the certified ignition interlock device installation complies with the manufacturer's procedures, a manufacturer shall ensure that an authorized installer provides a completed and signed Arizona ignition interlock installation verification form (Appendix A) to the participant.
 2. A manufacturer shall ensure that an authorized installer schedules a participant for accuracy checks 30 days, 60 days, and 90 days after installation of a certified ignition interlock device. After the 90-day accuracy check, the manufacturer shall ensure that an authorized installer schedules a participant for accuracy checks at least every 60 days.
 3. A manufacturer shall ensure that an authorized installer submits a completed and signed Arizona ignition interlock accuracy check form (Appendix B) to the Division within 10 days after an installed certified ignition interlock device has an accuracy check.
 - a. If the certified ignition interlock device has signs of tampering, circumvention or misuse, a manufacturer shall ensure that an authorized installer submits, in addition to the completed and signed Arizona ignition interlock accuracy check form, a completed and signed Arizona ignition interlock noncompliance report form (Appendix C) to the Division within 10 days after the accuracy check.

- b. If a participant fails to appear for a scheduled accuracy check and 5 more days elapse with no appearance by the participant, the manufacturer shall ensure that an authorized installer submits a completed and signed Arizona ignition interlock non-compliance report form to the Division within 10 days after the scheduled date of the missed accuracy check.
 - 4. A manufacturer shall ensure that the Arizona ignition interlock accuracy check form completed by the authorized installer states the calibration of the certified ignition interlock device prior to recalibration, has a data logger sheet attached, and is signed by the authorized installer.
- H. Reliability and accuracy assurance; emergency assistance by authorized installers; continuity of service to participants.**
- 1. A manufacturer shall ensure that an authorized installer provides participants with a 24-hour emergency phone number for assistance in the event of failure of the certified ignition interlock device or vehicle problems related to the device's operation. Emergency assistance provided by an authorized installer shall include technical information, towing service, and road service.
 - a. If the participant's motor vehicle is located not more than 50 miles from an authorized installer, emergency assistance for failure of a certified ignition interlock device or related to the device's failure shall be provided within 2 hours after the call for assistance.
 - b. If the participant's motor vehicle is located not more than 100 miles from an authorized installer, emergency assistance for failure of a certified ignition interlock device or related to the device's failure shall be provided within 4 hours after the call for assistance.
 - c. The authorized installer shall make the certified ignition interlock device functional within 48 hours after a participant's emergency assistance call or shall replace the device.
 - 2. A manufacturer shall ensure uninterrupted service to participants for the duration of their Arizona court orders.
 - a. If a manufacturer appoints a new authorized installer in place of a former authorized installer, the manufacturer shall obtain participant records from the former authorized installer and provide the participant records to the new authorized installer for retention in accordance with subsection (I). If a former authorized installer is not replaced, the manufacturer shall retain the participant records in accordance with subsection (I).
 - b. A manufacturer shall ensure that an authorized installer is located within 100 miles of the residence of each participant with a functioning certified ignition interlock device provided by the manufacturer.
 - i. If a participant's residence becomes more than 100 miles from an authorized installer, the manufacturer shall have full responsibility, including payment of all costs, for the removal of the existing certified ignition interlock device and replacement with a certified ignition interlock device for which there is an authorized installer within 100 miles of the participant's residence.
 - ii. The manufacturer of the originally installed certified ignition interlock device who is not the manufacturer of a model for which there is an authorized installer within 100 miles of the participant's residence, shall pay the costs of replacing the originally installed device with a certified ignition interlock device provided by another manufacturer for which there is an authorized installer within 100 miles of the participant's residence.
- I. Records retention; submission of copies and monthly reports; periodic audits.**
- 1. Records retention. A manufacturer shall ensure that an authorized installer or the manufacturer retains a participant's records for 1 year after removal of a certified ignition interlock device. The retained records shall consist of every document relating to the installation, service, repair, operation, and removal of the ignition interlock device.
 - 2. Submission of copies and monthly reports.
 - a. Copies of records of installation, service, repair, operation, and removal of the certified ignition interlock device shall be submitted to the Division for examination on request by Division personnel. A manufacturer shall ensure that an authorized installer or the manufacturer provides copies of participants' records to the Division within 10 days after the request for copies of records.
 - b. A manufacturer shall ensure that an authorized installer timely submits a monthly report to the Division so that the Division receives the report by the 10th day of each month. A manufacturer shall ensure that the monthly report contains the following information:
 - i. The number of ignition interlock devices the authorized installer currently has in service,
 - ii. The number of devices installed since the previous monthly report,
 - iii. The number of pending installations, and
 - iv. The number of devices removed by the authorized installer since the previous monthly report.
 - 3. Periodic audits. The Division shall periodically conduct an audit at the premises of an authorized installer or manufacturer, in accordance with A.R.S. § 41-1009, as added by Laws 1998, Ch. 57, § 22, effective August 21, 1998. The audit shall determine the following:
 - a. Whether the authorized installer or manufacturer retains records in accordance with subsection (I)(1),
 - b. Whether the authorized installer maintains adequate supplies of a warning label conforming to the warning label design adopted by the Division pursuant to A.R.S. § 28-1462(E), and
 - c. Whether the authorized installer maintains adequate supplies of the written instructions provided to participants and other operators of a vehicle equipped with a certified ignition interlock device.

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Historical Note

Adopted by an emergency action effective December 1,

1998, pursuant to A.R.S. § 41-1026, in effective for a maximum of 180 days (Supp. 98-4).

Appendix A. Arizona Ignition Interlock Installation Verification**ARIZONA
IGNITION INTERLOCK INSTALLATION VERIFICATION**

As Ordered by the Court

COURT DOCKET No.: _____ TODAY'S DATE _____

CUSTOMER NAME: _____
ADDRESS: _____
CITY _____ **ST** _____ **ZIP** _____
PHONE NUMBER: _____
DRIVER LICENSE No OR SS No.: _____

INSTALLER NAME: _____
ADDRESS: _____
CITY _____ **ST** _____ **ZIP** _____
PHONE NUMBER: _____
MANUFACTURER and MODEL TYPE: _____
SERIAL NUMBER(s): _____

VEHICLE IDENTIFICATION INFORMATION:

TITLE OWNER: _____ **TITLE No.:** _____
Make: _____ **Model** _____ **VIN** _____
Color _____ **Year** _____ **License Plate No.** _____
Odometer reading: _____

CUSTOMER EDUCATION CHECKLIST

- _____ I have been instructed on the use of the system
_____ I understand how to power the system on and off
_____ I have delivered and passed a proper breath sample.
_____ I have delivered and understand an abort test.
_____ I understand how the alcohol retest feature works
_____ I understand that if I smoke cigarettes or drink alcohol prior to testing that I may receive a sensitive or fail reading.
_____ I have been informed of how to obtain service for my system or to have questions answered.
_____ I have received my operator's manual.
_____ I have been informed of the penalties for tampering or circumvention of the system.
_____ I have been informed of what happens after failing three breath attempts.
_____ I have been informed of what happens after failing "rolling retest"

MONITORING:

Your next monitoring check is _____. Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. In addition, if you fail to appear you may be found in Noncompliance and your Driver License can be suspended for one (1) year pursuant to A.R.S. § 28-1463, as added by Laws 1998, Ch. 302, § 31.

Signature of Participant: _____ **Date** _____

Signature of Installer: _____ **Date** _____

Attach copy of Court Order for Installation of Ignition Interlock Device.

Historical Note

Appendix A adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, in effective for a maximum of 180 days (Supp. 98-4).

Appendix B. Arizona Ignition Interlock Accuracy Check

ARIZONA
IGNITION INTERLOCK
ACCURACY CHECK

DATE: _____
INSTALLER _____
MANUFACTURER and MODEL TYPE: _____
SERIAL NUMBER(s): _____
MONITORING CHECK No. _____

CUSTOMER NAME _____
DATE OF BIRTH: _____
DRIVER LICENSE No.: _____

VEHICLE LICENSE PLATE No.: _____
ODOMETER READING: _____
CALIBRATION WAS _____ PRIOR TO RECALIBRATION.
THE SYSTEM IS NOW IN CALIBRATION: _____
THE SYSTEM HAS BEEN INSPECTED AND IS FUNCTIONING PROPERLY. _____
THERE IS NO EVIDENCE OF ATTEMPTED TAMPERING. _____
(IF THERE ARE SIGNS OF TAMPERING, COMPLETE "NONCOMPLIANCE REPORT")

COMMENTS: _____

Your next monitoring check is _____. Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. In addition, if you fail to appear you may be found in Non-compliance and your Driver License can be suspended for one (1) year pursuant to A.R.S. § 28-1463, as added by Laws 1998, Ch. 302, § 31.

Signature of Participant _____ Date: _____

Signature of Installer: _____ Date: _____

ATTACH COPY OF DATA LOGGER SHEET AND SEND TO:
MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT
PO BOX 2100, MAIL DROP 530M
PHOENIX, AZ 85001-2100

Historical Note

Appendix B adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, in effective for a maximum of 180 days (Supp. 98-4).

Appendix C. Arizona Ignition Interlock Noncompliance Report

**ARIZONA
IGNITION INTERLOCK
NONCOMPLIANCE REPORT**

DATE: _____
 INSTALLER: _____
 MANUFACTURER and MODEL TYPE: _____
 SERIAL NUMBER(s): _____
 MONITORING CHECK No.: _____

CUSTOMER NAME: _____
 DATE OF BIRTH: _____
 DRIVER LICENSE No.: _____

VEHICLE LICENSE PLATE No.: _____

THE CUSTOMER FAILED TO KEEP APPOINTMENT: _____
 Attempts have been made to contact customer on:

_____	_____
Date	Time
_____	_____
Date	Time
_____	_____
Date	Time

THE DEVICE SHOWS EVIDENCE OF TAMPERING OR CIRCUMVENTION. _____

Explanation: _____

Signature of Installer: _____ Date: _____

SEND TO:
 MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT
 PO BOX 2100, MAIL DROP 530M
 PHOENIX, AZ 85001-2100

Historical Note

Appendix C adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, in effective for a maximum of 180 days (Supp. 98-4).

**ARTICLE 8. COMMERCIAL MOTOR VEHICLE
PROGRAM**

R17-4-801. Definitions

The following definitions are applicable to Article 8, unless otherwise stated in statute or a specific rule:

1. "Business entity" means an independent commercial establishment engaged in the professional use of commercial motor vehicles.
2. "Contract agent" means a political subdivision, business entity or nonprofit organization engaged in the professional use of commercial motor vehicles who are authorized by the Division to employ third-party testers.
3. "Demonstration test" means a driving examination in a commercial motor vehicle that includes: a pretrip inspection,

a basic skills test and a road test as referenced in the Division Examiner's Manual.

4. "Director" means the Division Director, Motor Vehicle Division, Arizona Department of Transportation.
5. "Division" means the Motor Vehicle Division, Arizona Department of Transportation.
6. "Employee" means a person who is currently employed or under contract or working as a volunteer as a commercial motor vehicle driver.
7. "Manual" means the Division's approved examiner's text for the demonstration test which contains instruction for test methods and procedures.
8. "Nonprofit organization" means a group united with a common interest, not seeking profit.

9. "Revocation" means termination of a certification for a maximum period of one year for noncompliance with requirements set forth by the Division.
10. "Third-party tester" means a person who is certified by the Division to conduct demonstration tests to drivers of commercial motor vehicles.

Historical Note

Adopted effective June 29, 1990 (Supp. 90-2).

R17-4-802. Physical Qualifications for Commercial Motor Vehicle Drivers**A. Definitions.**

1. "Commercial Motor Vehicle" has the same meaning as set forth in A.R.S. § 28-402.
2. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
3. "Physical qualifications" means those physical qualifications set forth in 49 CFR as adopted in R17-4-435 and R17-4-435.02.

B. Requirements. Every Arizona-licensed driver operating a commercial motor vehicle shall:

1. Meet the physical qualifications set forth in 49 CFR as adopted in R17-4-435 and R17-4-435.02, and
2. Have an original or copy of a current medical examination certificate as required by 49 CFR as adopted in R17-4-435 and R17-4-435.02 in the vehicle and available to law enforcement officers upon request.

C. Failure to meet or maintain physical qualifications in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02.

1. No person shall be issued a Class A, B, or C license if that person fails to meet physical qualifications in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02.
2. A person who has been issued a Class A, B, or C license who subsequently fails to maintain physical qualifications in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02 shall notify the Division of the condition within five days of the occurrence or as soon as the condition allows.
3. A failure to maintain physical qualifications in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02 shall be deemed to cause such a danger to the public health, safety, and welfare that it is imperatively required that the Division take emergency action. Therefore, the Division shall summarily suspend and revoke the licensee's Class A, B, or C license by 5:00 p.m. on the next business day after notification of the condition.
4. If the written medical examination report fails to establish whether or not physical qualifications, in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02, have been met, the incomplete report shall be returned to the applicant or licensee by mail to the address provided to the Division. The applicant or commercial licensee shall be notified in writing by 5:00 p.m. the next business day from the date of determination that additional information is required. If the requested information is not received within 30 days from the date of the notice, the Division shall summarily suspend and revoke by 5:00 p.m. the next business day the Class A, B, or C license issued to the licensee or deny issuance to the applicant.
5. Upon summarily suspending the Class A, B, or C license for failure to maintain physical qualifications in accordance with 49 CFR as adopted in R17-4-435 and R17-4-435.02 or failure to submit a complete medical examination report, the Division shall notify the person by mail of

the licensing action, within three business days from the date of action to the person's address of record.

D. Hearings and appeals.

1. Where licensing actions have been taken adverse to the licensee or applicant pursuant to this rule, the licensee or applicant may request a hearing with the Executive Hearing Office within 15 days from the date of the notice of the licensing action.
2. All hearings and appeal procedures shall be in accordance with Article 9 of this Chapter.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). Section repealed, new Section adopted effective April 19, 1994 (Supp. 94-2).

R17-4-803. Reserved**R17-4-804. Repealed****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Repealed effective November 21, 1995 (Supp. 95-4).

R17-4-805 Third-party tester/Contract agent**A. Certification requirements.**

1. A third-party tester shall:
 - a. Be employed or under contract for an employer certified as a contract agent.
 - b. Have five years of driving experience, and/or five years training experience, or a five-year combination of both, pertaining to the operation of commercial motor vehicles.
 - c. Possess a current license for the operation of a commercial motor vehicle representative of the vehicle in which the demonstration test is to be given.
 - d. Have no driver's license suspensions, revocations, cancellations, disqualifications or convictions related to driving under the influence within three years prior to the date of application.
 - e. Successfully complete the Division's approved third-party tester training course.
2. The contract agent shall:
 - a. Employ or contract at least one person recommended to be a third-party tester.
 - b. Maintain a regularly occupied structure.
 - c. Provide an office for the third-party tester that shows a clear separation between that office and the normal operation.
 - d. Provide an adequate, safe area to accommodate the related demonstration test.
 - e. Own, lease or rent at least one vehicle representative of the type of vehicle or group of vehicles which may be used for testing.
 - i. Vehicles shall be maintained in a safe operating condition.
 - ii. Vehicles shall be in compliance with registration and insurance requirements set forth in Title 28, Arizona Transportation Laws.
 - f. Maintain driver qualification files, for a minimum of three years, for each employed driver.
 - g. Possess a copy of the third-party tester's certificate.
 - h. Retain records of demonstration tests administered to include:
 - i. Name, date of birth, driver's license number and social security number of those tested.
 - ii. The date administered.
 - iii. The class of vehicle used.

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- iv. A copy of the score sheet indicating the results of the demonstration test.
 - v. Name and certification number of the third-party tester who administered the test.
 - i. Maintain financial records for the testing program to include: the terms of pavement for every driver applicant tested, records of receipts and written contracts, if applicable, with any person(s) being tested.
3. Applicants who do not meet requirements as set forth in this administrative rule shall be denied certification.

B. Application.

1. The Division shall provide forms, as set forth in this rule in Appendix A (Third-party Tester) and B (Contract agent). The forms shall be submitted to: Motor Vehicle Division, Commercial Driver License Section, 1801 West Jefferson Street, Phoenix, Arizona 85007.
2. The Division may request a certified copy of the third-party tester applicant's motor vehicle, a record that shall be attached to the application.
3. In cases of discrepancies on an application an applicant shall be given 30 working days from the date of application to meet requirements or the application shall be canceled.

C. Certificates.

1. The Division shall issue certificates as set forth in this rule in Appendix C (Third-party tester) and D (Contract agent). The certificates shall be numbered and shall be valid for one year.
2. Contract agent and third-party tester certificates shall be prominently displayed in an area readily visible and accessible to test applicants and to agents of the Division.
3. The Division shall issue a duplicate certificate if the original is lost, stolen or mutilated when the certified person submits a written request and an appropriate fee to the Division.
4. A duplicate certificate shall be dated, marked DUPLICATE and maintain the expiration date of the original certificate.
5. The Division shall provide a certificate of competency form as set forth in Appendix E of this rule. The third-party tester shall issue a certificate of competency to an applicant who successfully completes the demonstration test. The certificate of competency: shall be valid for 30-calendar-days from the date of the demonstration test.

D. Third-party tester duties.

1. Verify that the driver applicant has one of the following:
 - a. A Division instruction permit for a class A, B or C driver's license.
 - b. A current chauffeur's license, acceptable only until April 01, 1992.
2. Require an applicant to display a photo identification prior to the demonstration test.
3. Conduct demonstration tests in accordance with instructions provided in the Division manual. If at any point of the demonstration test the third-party tester determines it to be hazardous or unsafe to continue, the test shall be terminated and the score sheet marked accordingly.
4. Complete and sign the demonstration test score sheet.
5. Witness the driver applicant's signature on the demonstration test score sheet.
6. Complete, sign and issue a certificate of competency to an applicant who successfully passes the demonstration test. The Division shall furnish this certificate, as set forth in Appendix E of this rule.
7. Maintain copies of demonstration test score sheet and certificate of driver competency.

8. Submit to random on-site check rides. Division agents shall administer check rides that demonstrate the third-party tester's continued ability to render the demonstration test.
9. Attend ongoing Division training.
10. Give written notice immediately to the Division and the contract agent when their commercial driver's license is suspended, revoked, canceled or disqualified.
11. Give written notice to the Division and the contract agent of changes in the demonstration test route and include a map, drawing or written description of the new route.

E. Enforcement.

1. Eligibility information shall be subject to inspection(s) prior to a certificate being issued.
 2. Within ten-working days a third-party tester or contract agent shall submit written notification to the Division when there is a change in certification requirements.
 3. The Division shall investigate complaints submitted concerning any act which would compromise the integrity of the program. The Division may require a written report, from any involved party, be submitted within ten-working days from receipt of a request.
 4. The contract agent or third-party tester shall not use advertisements which imply:
 - a. A certificate of competency guarantees the issuance of a commercial driver's license.
 - b. The third-party tester program will influence the Division in any manner in the issuance of a commercial driver's license.
 - c. Preferential or advantageous treatment from the Division.
- F. Penalty.** An immediate revocation notice shall result for:
1. False and/or fraudulent records.
 2. Second or subsequent violations for not maintaining requirements and responsibilities as set forth in this rule.
 3. Misuse of advertisements as referenced in Section E-4 of this rule.
 4. Failure to allow or cooperate in an audit.

R17-4-806. Fees

Fees are payable at the time of application and shall not be prorated or refunded. Checks and money orders shall be made payable to: Motor Vehicle Division, Arizona Department of Transportation.

1. Employer certification.
 - a. Certificate, 12-month period, \$50.00.
 - b. Duplicate certificate, \$25.00.
2. Contract agent.
 - a. Certificate, \$50.00 annually.
 - b. Duplicate certificate, \$25.00.
3. Third-party tester.
 - a. Certificate, \$25.00 annually.
 - b. Duplicate certificate, \$25.00.

Historical Note

Adopted effective June 29, 1990 (Supp. 90-2).

R17-4-807. Audit

- A.** To assure continued compliance with certification requirements the Division may make random, on-site inspections, during normal business hours, to audit the operation, facility and/or records.
1. Persons who are certified shall submit copies of related documents to the Division upon request.
 2. After a Division audit a warning letter, to allow 30 calendar days for compliance, shall be issued for failure to:
 - a. Maintain requirements or records as referenced in administrative rules Title 17, Chapter 4, Article 8.

- b. Notify the Division of requirement or program changes.

- B. Failure to comply with the provisions set forth in a warning letter or failure to allow or cooperate in an audit shall result in a notice of revocation of certification.

Historical Note

Adopted effective June 29, 1990 (Supp. 90-2).

R17-4-808. Panel review

- A. When the Division determines a certification is to be denied or revoked, written notice shall be served either in person or by mail. Revocations shall be effective 20 calendar days from the date of notice.
- B. One person may request a Division review when certification is denied or revoked. A timely written request shall stay a revocation until a panel conducts a review and determination has been made. Written requests shall be submitted to the Director at the following address: Motor Vehicle Division, Commercial Driver's License Section, 1801 West Jefferson Street, Phoenix, Arizona, 85007.
- C. The Director shall appoint a review panel consisting of three persons to determine if revocations or denials shall be upheld.
 1. The affected parties may request to appear at the review, have counsel appear in their behalf or to have a summary review which does not require an appearance.
 2. The Division shall send written notice, to the person, of the time, date and place of the review and of the final decision after the review.

Historical Note

Adopted effective June 29, 1990 (Supp. 90-2).

ARTICLE 9. ADMINISTRATIVE HEARINGS, REHEARINGS AND APPEAL

R17-4-901. Definitions

- A. The following definitions are applicable to Article 9, unless otherwise stated in statute or a specific rule:
 1. "Administrative hearing" means a proceeding conducted by the executive hearing office of the Motor Vehicle Division, to decide a dispute based on facts presented to an administrative hearing officer.
 2. "Administrative hearing officer" means a person who presides at an administrative hearing, with the power to administer oaths, take testimony, rule on questions of evidence and make determinations of fact.
 3. "Affidavit" means a written or printed declaration or statement of facts under oath.
 4. "Deposition" means the testimony of a witness, under oath, taken by another through oral questions and reduced to writing for presentation in a proceeding.
 5. "Director" means the division director of the Motor Vehicle Division of the Arizona Department of Transportation.
 6. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
 7. "Executive hearing office" means that branch of the division director's office that is designated to conduct administrative hearings through the statutory power granted to the division director and the director of the Arizona Department of Transportation.
 8. "In absentia" means without the petitioner being present.
 9. "Motion" means a written or oral proposal for consideration and action, with or without notice.
 10. "Petitioner" means the person who requests relief from the department.
 11. "Respondent" means the person who makes an answer to an action.

Historical Note

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-59 renumbered without change as Section R17-4-901 (Supp. 87-2). Former Section R17-4-901 repealed, new Section R17-4-901 adopted effective June 15, 1988 (Supp. 88-2).

R17-4-902. Requests for hearings

- A. All requests for hearings shall be submitted to and received by the: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.
- B. If a time period to request a hearing is not specified by statute, the request for hearing shall be received by the executive hearing office not later than 15 days from the date the Division served notice, pursuant to applicable law.
- C. All requests for a hearing shall be legible and shall include the petitioner's name and address for receipt of mail.

Historical Note

Adopted effective March 31, 1978 (Supp. 78-2). Amended subsections (A), (E) and (F) effective April 4, 1984 (Supp. 84-2). Former Section R17-4-60 renumbered without change as Section R17-4-902 (Supp. 87-2). Former Section R17-4-902 repealed, new Section R17-4-902 adopted effective June 15, 1988 (Supp. 88-2).

R17-4-903. Notice of hearing

- A. The executive hearing office shall be the only entity to issue notice setting administrative hearings.
- B. When a timely request for a hearing is filed with the executive hearing office, the executive hearing office shall send a notice to the petitioner at the address set forth in the request for hearing. The notice shall contain:
 1. Time, date and place of hearing.
 2. Type of hearing.
 3. Legal authority under which the proceedings are to be held.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-904. Administrative hearings

- A. All hearings shall be presided over by the administrative hearing officer.
- B. The administrative hearing officer shall:
 1. Conduct fair and impartial hearings.
 2. Take all necessary action to avoid delay.
 3. Maintain order.
 4. Require parties to state their position with respect to the various issues in the proceedings.
 5. Regulate the course of the hearing.
 6. Regulate the conduct of counsel, parties and other participants.
 7. Examine witnesses and direct witnesses to testify.
 8. Maintain record of proceedings.
 9. Rule on motions.
 10. Cause to be issued subpoenas for the attendance of witnesses and for the production of other evidence as deemed necessary to the proceedings.
 11. Administer oaths.
 12. Make a decision on the basis of the record before him which shall include findings of fact and conclusions of law.
- C. If the administrative hearing officer finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

- D. A petitioner may appear in person or through counsel in any hearing held pursuant to these rules, unless otherwise specified by law. In a case involving the Uniform Motor Vehicle Safety Responsibility Act, a petitioner may request, in writing prior to the hearing, that the hearing be held in absentia.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-905. Rules of evidence

- A. Formal rules of evidence shall not apply to the proceedings held at the executive hearing office.
- B. The administrative hearing officer shall decide what evidence shall be admissible.
- C. Hearsay evidence shall be admissible in an administrative hearing and given such weight as the administrative hearing officer determines.
- D. A deposition of a witness who cannot be subpoenaed, or is unable to attend shall be admissible and given such weight as the administrative hearing officer determines. All expenses shall be borne by the party taking the deposition.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-906. Time computations

- A. In computing any period of time prescribed or allowed by these rules, the day of the act from which the designated period of time begins to run shall not be included.
- B. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- C. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-907. Motions

- A. Motions shall state the relief sought, the basis for relief and the authority relied upon.
1. If made prior to the hearing, such motions shall be in writing.
 2. If made at the hearing, they may be stated orally but, the administrative hearing officer may require that they be reduced to writing and filed with him.
- B. A ruling on any motion may be incorporated into the administrative hearing officer's ultimate findings of fact, conclusions of law, and decision or order.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-908. Subpoenas

- A. The administrative hearing officer shall have the power to compel the attendance of witnesses by subpoena.
- B. Upon request of the petitioner or his legal counsel to issue a subpoena compelling the attendance of witnesses or evidence, it shall be the obligation of those parties to:
1. Draft the subpoena in proper form.
 2. Secure the necessary signature from the executive hearing officer.
 3. Insure that such subpoenas are served upon the parties named.
 4. Incur all expenses, including witness fees if any.
- C. Subpoenas issued shall be served, and upon application to the court by a party or the agency, enforced in the same manner provided by law for the service and enforcement of subpoenas

in a civil action, unless otherwise provided by law or agency rule.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-909. Forms

- A. Documents filed pursuant to a proceeding shall show:
1. The description and title of the proceeding.
 2. The party submitting the document.
 3. The date signed.
 4. Title and address of the signatory.
 5. Name of the party involved in the action.
 6. If represented by legal counsel, the attorney's name, firm, address and phone number.
- B. Every paper filed with the executive hearing office shall be signed by the party filing it or by legal counsel. The signature constitutes a certificate by the signer that he has read the paper, that to the best of his knowledge, information and belief there is good ground to support it, and that it is not interposed for delay.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-910. Administrative decisions

A copy of the administrative hearing officer's written findings of fact and conclusions of law along with the final order shall be served upon the petitioner or his legal counsel either in person or by mail as prescribed by law.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-911. Continuances

- A. A decision by the administrative hearing officer may be taken under advisement unless otherwise prescribed by law.
- B. Hearings may be continued for good cause by the administrative hearing officer.
- C. Any continuances granted shall be justified in the record.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-912. Rehearing and appeal

- A. Any party in a contested case before the executive hearing office who is aggrieved by a decision rendered in such case may file with the executive hearing office, not later than 15 days after service of the original decision, unless otherwise prescribed by law, a written motion for rehearing of the original decision, specifying the particular reasons for rehearing.
- B. A rehearing of the original decision shall be granted for any of the following causes:
1. Irregularity in the administrative proceedings of the agency or its administrative hearing officer or the prevailing party or any order or abuse of discretion, whereby the party was deprived of a fair hearing.
 2. Misconduct of the division, executive hearing officer, administrative hearing officer or the prevailing party.
 3. Accident or surprise which could not have been prevented by ordinary prudence.
 4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
 5. Excessive or insufficient penalties.
 6. The original decision is not justified by the evidence or is contrary to law.
 7. Error in the admission or rejection of evidence or other errors of law occurring at the original hearing.

- C. The executive hearing office may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issue for any of the reasons set forth in subsection (B).
 - D. An order granting a rehearing shall specify with particularity the reason on which the rehearing is granted.
 - E. The executive hearing office may on its own initiative, order a rehearing of its original decision for any reason for which it might have granted a rehearing on motion of a party.
 - F. The executive hearing office may require the filing of written briefs upon the issues raised in the motion.
 - G. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after such service, serve opposing affidavits, which period may be extended for an additional 20 days by the executive hearing office for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted at the discretion of the administrative hearing officer.
 - H. If in a particular decision the executive hearing office makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health and safety, and that a rehearing of the decision is impractical, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing. If a decision is issued as a final decision without an opportunity for rehearing, any application for judicial review shall be made within the statutory time limits.
 - I. To the extent that provisions of these rules conflict with the provisions of any statute providing for rehearing of decisions of the Division, such statutory provisions shall govern.
 - J. A party may appeal a decision of the executive hearing office to Superior Court as provided by law.
- 2. The summary review is conducted without the person being present and the decision is final.
 - C. The factors examined during a summary review shall be limited to the following:
 - 1. Whether the officer's certification reflects that the officer had reasonable grounds to believe the applicant was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor;
 - 2. Whether the officer's certification reflects that the applicant was placed under arrest for a violation of A.R.S. § 28-692 and complied with A.R.S. § 28-691;
 - 3. Whether the officer's certification reflects that a test was taken, the results of which indicated a alcohol concentration of 0.10 or more;
 - 4. Whether the written statement of explanation of the applicant as to why the Division should not suspend the applicant's driving privilege provides convincing evidence that one or more issues in paragraphs (1), (2) and (3) were not met.
 - D. No summary review shall be conducted unless the applicant has done one of the following:
 - 1. Has surrendered his Arizona driver's license/permit.
 - 2. Certified that his Arizona driver's license/permit was lost or destroyed.
 - 3. Certified that he does not have a valid Arizona driver's license.
 - 4. Certified that he is a nonresident with a valid out-of-state driver's license.
 - E. Application for a summary review is made available to all persons arrested for a violation of A.R.S. § 28-692 and who have complied with A.R.S. § 28-691 and have a alcohol concentration exceeding the legal limit.

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2).

R17-4-913. Summary review of 0.10 suspension

- A. Definitions:
 - 1. "Summary review" is an alternative to a hearing, conducted by the executive hearing office of the Motor Vehicle Division, when a person has been issued a license/permit suspension order under the provisions of A.R.S. § 28-694 (License suspension if blood or breath alcohol test results indicate a concentration of 0.10 or more).
- B. Scope of summary review:
 - 1. The summary review is an examination of all written documents only, submitted to the Motor Vehicle Division. The written decision rendered shall uphold or cancel the suspension order issued.

Historical Note

Adopted as an emergency effective December 30, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-4). Readopted as an emergency with a correction in subsection (A), paragraph (A) effective March 29, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Adopted without change as a permanent rule effective June 15, 1988 (Supp. 88-2). Amended effective July 13, 1989 (Supp. 89-3).

R17-4-914. Repealed**Historical Note**

Former General Order 68. Former Section R17-4-26 renumbered without change as Section R17-4-914 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

TITLE 17. TRANSPORTATION
CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

Section

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ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

R17-9-101. Definitions

In this Article, unless otherwise specified:

“Accident” means any unexpected occurrence involving a moving or non-moving school bus that results in any bodily injury or fatality to passengers or non-passengers, damage to personal or real property outside the school bus, or damage to the school bus that affects the integrity of the school bus.

“Alternately flashing signal lamps” means a system of red or red and amber lamps that are mounted horizontally to both the front and rear of the school bus body, used to inform the public that the school bus is preparing to stop or has stopped to load or unload passengers. Alternately flashing signal lamps can be either a 4-lamp system as described in R17-9-107(13)(c)(i) or an 8-lamp system as described in R17-9-107(13)(c)(ii).

“Alteration” means any addition, modification, or removal of any equipment or component after a school bus has been inspected by the Department, which may affect the operations of the school bus; compliance with the statutes or rules applicable to school buses; or affect the health, safety, or welfare of any individual.

“Applicant” means an individual who submits a completed application to the Department to obtain a certificate to operate a school bus or to teach classroom or behind-the-wheel training.

“Auxiliary fans” means devices mounted inside the school bus body used to supplement the heating, defrosting, or air-conditioning systems by circulating air in the school bus.

“Behind-the-wheel instructor” means an individual certified by the Department pursuant to R17-9-103 to provide behind-the-wheel training to applicants.

“Behind-the-wheel training” means the complete physical control of a school bus by an applicant to operate a school bus while accompanied by and under direct observation of a behind-the-wheel instructor.

“Belt cutter” means a hand-held instrument containing a blade used to sever a seat belt or wheelchair-securement device.

“Certificate” means the written authorization issued by the Department to operate a school bus or to act as a classroom or behind-the-wheel instructor in Arizona.

“Chassis” means the part of a school bus that consists of all base components, including the frame, front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, clutch and accelerator pedals, steering wheel, tires, heating and cooling system, battery, and controls and instruments to operate the school bus.

“Chassis cowl” means those parts of a Type C school bus that are located in front of the cowl and attached before a school bus manufacturer adds the school bus body.

“Citation” has the same meaning as set forth at A.R.S. § 28-1606.

“Classroom instructor” means an individual certified by the Department pursuant to R17-9-103 to teach classroom training to:

- a. Applicants to operate a school bus,
- b. Applicants to teach classroom training,
- c. Applicants to teach techniques of behind-the-wheel training, or
- d. School bus drivers for refresher training.

“Classroom training” means the courses required by the Department of an applicant before the applicant is certified or of a school bus driver to maintain certification.

“Commercial driver’s license” has the same meaning as set forth at A.R.S. § 28-402(2).

“Controlled substances and alcohol testing” means a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines and alcohol prescribed by 49 CFR 382, published in October 1994, (no later amendments or editions), and conducted in accordance with procedures set forth at 49 CFR 40, published in October 1994, (no later amendments or editions), both incorporated by reference and on file with the Department and the Office of the Secretary of State, and a determination of an applicant’s or school bus driver’s use of barbiturates, benzodiazepines, methadone, and propoxyphene as required by these rules and conducted in accordance with procedures set forth at 49 CFR 40.

“Cowl” means that portion of the chassis in a Type C school bus that separates the school bus engine from the school bus driver’s compartment.

“Cutaway van” means a chassis to which a completed driver’s compartment is attached before a school bus manufacturer adds the school bus body.

“dB(A)” means decibels A scale, a term denoting that noise level has been adjusted to duplicate human hearing.

“Department” means the Department of Public Safety.

“Driver’s compartment” means the part of the school bus body that is separated from the passenger compartment by a barrier and contains the controls and instruments for the operation of the school bus.

“Emergency-brake system” means the mechanical components used to slow or stop a school bus after a failure of the service-brake system.

"Emergency exit" means an opening in a school bus, including a door, push-out window or roof hatch, used to unload passengers in the event of an occurrence that requires immediate evacuation of a school bus.

"Employer" means a private business or school district that hires applicants and certified school bus drivers to operate school buses.

"Forward control chassis" means a chassis to which the school bus driver controls, including the brake, clutch, and accelerator pedals, emergency brake, steering wheel, and other controls used to operate the school bus, are mounted as far forward on the chassis as possible and are attached before a school bus manufacturer adds the school bus body.

"Frame" means the structural foundation upon which the school bus chassis is constructed.

"Frontage road" means a street that parallels an interstate highway and furnishes access to streets and property that would otherwise be unreachable from the interstate highway.

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum total loaded weight of a school bus as set forth in R17-9-106(26).

"Health care professional" means:

- a. A physician licensed to practice medicine pursuant to A.R.S. § 32-1401 et seq., osteopathy pursuant to A.R.S. § 32-1801 et seq., or chiropractic pursuant to A.R.S. § 32-921 et seq.;
- b. A physician licensed to practice medicine, osteopathy, or chiropractic in a state contiguous to Arizona;
- c. A physician employed by the United States government and licensed by a state medical board in the United States;
- d. A physician's assistant licensed pursuant to A.R.S. § 32-2501 et seq.; or
- e. A registered nurse practitioner licensed pursuant to A.R.S. § 32-1632 et seq.

"Highway" has the same meaning as set forth at A.R.S. § 28-101(64).

"Identification" means the signs, lettering, or numbers placed on the interior or exterior of the school bus body, including the glass areas, but does not include the lettering, numbers, or logos of a manufacturer or distributor of the manufacturer's product.

"Ignition power-deactivation switch" means a device that when set causes the engine of a motor vehicle to stop operating if the transmission is placed into gear or the parking-brake system is released.

"Interstate highway" means the designation given by the Federal Government to the system of highways connecting 2 or more states of the United States.

"Lamp" means a device that is covered by a lens and used to produce artificial light.

"Major defect" means a condition that exists to the interior or exterior of a school bus that causes the Department or employer to place the school bus out of service while the defect is being corrected.

"Manufacturer" means the entity engaged in the manufacturing or assembling of a school bus chassis, school bus body, or school bus chassis and body.

"Minor defect" means a condition that exists to the interior or exterior of a school bus that is not a major defect

and allows the school bus to remain in operation while the defect is being corrected.

"Off-duty" means the period of time a school bus driver is not on-duty.

"On-duty" means the period between the time a school bus driver begins to work for the employer or is required to be in readiness to work for the employer until the time the school bus driver is relieved from work and all responsibility for performing work for the employer. On-duty includes:

- a. All time at an employer's place of business, waiting to be dispatched;
- b. All time performing an operations check of a school bus in accordance with A.A.C. R17-9-108(D), or servicing or conditioning a school bus;
- c. All time driving a school bus, including loading or unloading the school bus, and remaining in readiness to drive a school bus;
- d. All time, at the direction of the employer, travelling but not driving a school bus or assuming any other responsibility to the employer. If the school bus driver is afforded at least 8 consecutive hours off-duty upon arrival at the school bus driver's destination after travelling but not driving a school bus or assuming any other responsibility to the employer, the school bus driver shall be considered off-duty for the entire period;
- e. All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus;
- f. All time preparing required reports and records;
- g. All time performing any other work for the employer; and
- h. All time performing any compensated work for any entity other than the employer.

"Out of service" means a school bus cannot be used to transport passengers.

"Parking-brake system" means the mechanical components used to prevent the movement of a school bus while loading or unloading passengers or when the school bus is parked.

"Passenger" means an individual who rides in a school bus but does not participate in the operation of the school bus.

"Passenger compartment" means that part of the school bus body that is separated from the school bus driver's compartment by a barrier and holds the passengers to be transported.

"Physical examination" means an evaluation of an applicant's or school bus driver's medical status performed by a health care professional according to this Article.

"Physical examination form" means Exhibit A or the form set forth at 49 CFR 391.43, published October 1994, (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.

"Push-out window" means safety glass enclosed in a frame on a school bus that moves to the outside of the school bus when force is applied to the window from inside the school bus.

"Refresher training" means the courses required by the Department of each school bus driver to maintain certification as a school bus driver in Arizona.

“Restraining barrier” means a structure located in front of any school bus seat that restricts the forward motion of a passenger.

“Rub rail” means a horizontal steel bar attached to the outside of the school bus body used to reinforce the sides of the school bus.

“Safety glass” has the same meaning as set forth at A.R.S. § 28-959(B).

“School” means a school as defined by A.R.S. § 15-101(16), accommodation school as defined by A.R.S. § 15-101(1), charter school as defined by A.R.S. § 15-101(3), or private school as defined by A.R.S. § 15-101(15).

“School bus” has the same meaning as set forth at A.R.S. § 28-101(53).

“School bus body” means a structure assembled upon a chassis designed to carry a school bus driver and passengers.

“School bus driver” means an individual who has been certified by the Department to meet the requirements set forth at A.R.S. § 28-414.01 and R17-9-102 to operate a school bus in Arizona.

“School district” has the same meaning as set forth at A.R.S. § 15-101(17).

“Service-brake system” means the mechanical components used to slow or stop a school bus.

“Service door” means a metal structure used to close the opening of a service entrance.

“Service entrance” means the opening in a school bus used to load or unload passengers.

“Special needs school bus” means a school bus that is designed to transport disabled passengers, some of whom may use a wheelchair, and is constructed with a service entrance and a special-service entrance.

“Special-service entrance” means an opening in a school bus that accommodates a wheelchair lift for the loading or unloading of passengers who use a wheelchair.

“Special-service entrance door” means a metal structure used to close the opening of the special-service entrance.

“Street” has the same meaning as set forth at A.R.S. § 28-101(64).

“Traffic control signal” has the same meaning as set forth at A.R.S. § 28-602(26).

“Training” means the instruction, courses, classes, or workshops provided by the Department or the employer that are required to obtain or maintain certification as a school bus driver, classroom instructor, or behind-the-wheel instructor in Arizona.

“Transport” or “transporting” means a school bus driver has set the school bus in motion to carry passengers or objects authorized by the school district to be carried in a school bus.

“Type A School Bus” means a van converted to a school bus body or a school bus body that is constructed upon a cutaway van, has a left side door for the school bus driver, and is designed for carrying more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is behind the front wheels. This definition includes 2 classifications: Type A-I, with a gross vehicle weight rating of more than 10,000 pounds; and Type A-II, with a gross vehicle weight rating of 10,000 pounds or less.

“Type B School Bus” means a school bus body that is constructed upon a cutaway van or a forward control chassis, which has a gross vehicle weight rating of more than 10,000 pounds and is designed for carrying more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is behind the front wheels.

“Type C School Bus” means a school bus body that is installed either upon a chassis cowl with the engine located beneath or in front of the windshield and in front of the cowl or upon a forward control chassis with part of the engine beneath the windshield and beside the driver’s seat. The service door is located behind the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals.

“Type D School Bus” means a school bus body that is installed upon a chassis with the engine mounted in front of the front axle, between the front and rear axles, or behind the rear axle. The school bus driver’s seat and the service door are located in front of the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals.

“Van” means a covered or enclosed truck as defined at A.R.S. § 28-101(67).

“Wheelchair” means a mobility aid consisting of a frame, seat, and wheels, which is used for the purpose of supporting and carrying a passenger with a disability.

“Wheelchair lift” means the electric hydraulic mechanism and platform in a school bus used to raise and lower a passenger in a wheelchair.

“Wheelchair-lift platform” means the horizontal surface upon which a wheelchair sits while being raised or lowered.

“Wheelchair-passenger restraint” means the combination of a pelvic and an upper torso restraint, including buckles and fasteners, designed to secure a passenger in a wheelchair within a school bus.

“Wheelchair-passenger restraint anchorage” means the equipment for fastening wheelchair-passenger restraints to the interior of the school bus.

“Wheelchair-securement anchorage” means the equipment for fastening wheelchair-securement devices to the school bus floor.

“Wheelchair-securement device” means a strap or webbing, including buckles and fasteners, used for fastening a wheelchair to a wheelchair-securement anchorage.

“Wheelchair-securement system” means the components used to fasten the wheelchair to the interior of the school bus, including wheelchair-securement anchorages and wheelchair-securement devices.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-102. Certification of School Bus Drivers

A. Certification requirements. An individual shall not operate a school bus in Arizona without being certified by the Department. An applicant for certification shall:

1. Be a minimum of 18 years of age;
2. Submit all of the following to the Department through the employer:
 - a. A completed fingerprint card;

- b. An application signed and dated by the applicant that states the applicant's:
 - i. Name, home address, and home phone number;
 - ii. Date of birth;
 - iii. Arizona commercial driver's license number;
 - iv. Date of previous application for certification, if any;
 - v. Intended employer's name;
 - vi. Convictions for a felony or misdemeanor, if any, in this state or any other state; and
 - vii. Total points accumulated against the applicant's driving record during the 2 years immediately preceding the date of application using the point system contained in R17-4-506.
- c. Completed physical examination form and results of controlled substances testing.
- 3. Possess a current Arizona commercial driver's license as set forth at A.R.S. § 28-403;
- 4. Possess a current Arizona passenger endorsement as set forth at A.R.S. § 28-416.01(4);
- 5. Meet the driving record requirements as set forth in this Article; and
- 6. Complete the training requirements as set forth in this Article.

B. Physical examination

- 1. An applicant or school bus driver shall submit to a physical examination that is conducted by a health care professional in accordance with the physical examination form. An applicant or school bus driver is qualified to operate a school bus only if the health care professional concludes that the applicant or school bus driver has no condition that would interfere with the applicant's or school bus driver's ability to operate a school bus safely.
- 2. An applicant shall submit the completed physical examination form to the Department through the employer within 90 calendar days of the physical examination.
- 3. The initial physical examination of an applicant, conducted in accordance with the physical examination form, expires 24 months from the date of the physical examination or on October 31 of the 2nd consecutive year following the initial examination, whichever comes 1st. Thereafter, each physical examination expires 24 months from the date of the physical examination. The school bus driver shall submit to a physical examination before the expiration date of the previous physical examination and send the completed physical examination form to the Department through the employer by October 31 of the year of the examination.
- 4. If a health care professional determines that further testing of an applicant or school bus driver is needed by an ophthalmologist or optometrist, the health care professional shall refer the applicant or school bus driver to:
 - a. An ophthalmologist licensed pursuant to A.R.S. § 32-1401 et seq.,
 - b. An optometrist licensed pursuant to A.R.S. § 32-1701 et seq.,
 - c. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by a state contiguous to Arizona, or
 - d. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by any state or territory of the United States and employed by the United States Government.
- 5. In addition to the physical examinations required by this Article, the Department or the employer may require a physical examination of a school bus driver for an impair-

ment that would affect the ability to operate a school bus safely. In making this determination, the Department or employer may consider the appearance or actions of the school bus driver. Results of a physical examination conducted pursuant to this subsection shall be received by the Department within 30 days of the date of the physical examination.

C. Controlled substances and alcohol testing

- 1. An applicant or school bus driver shall submit to alcohol and controlled substances testing as permitted by A.R.S. § 23-493 et seq. and as prescribed by this Article and 49 CFR 382 (1994), which is conducted in accordance with the procedures set forth at 49 CFR 40 (1994), except for the changes in 49 CFR 40 and 49 CFR 382 set forth in subsections (C)(1)(a) through (m).
 - a. 49 CFR 40.3
 - i. "Employee," "individual," or "individual to be tested", as used in 49 CFR 40, means an applicant or a school bus driver as defined in R17-9-101.
 - ii. "Employer" has the same meaning as set forth in R17-9-101.
 - b. 49 CFR 382.107
 - i. "Accident" has the same meaning as set forth in R17-9-101.
 - ii. "Commercial motor vehicle" has the same meaning as set forth in A.R.S. § 28-402(4)(c).
 - iii. "Employer" has the same meaning as set forth in R17-9-101.
 - iv. "Performing a safety-sensitive function" means any period of time during which a school bus driver is on-duty except when the school bus driver is being compensated by an entity other than the employer.
 - v. "Safety-sensitive function" means any activity for which a school bus driver is on-duty except when the school bus driver is performing an activity for and being compensated by an entity other than the employer.
 - vi. "School bus" has the same meaning as set forth at A.R.S. § 28-101(53).
 - c. 49 CFR 382.204 is changed to read: "No driver shall be on duty for the employer or operate a commercial motor vehicle while the driver possesses alcohol. No employer having actual knowledge that a driver possesses alcohol may permit the driver to perform a safety-sensitive function."
 - d. 49 CFR 382.207. In both sentences, the word "four" is changed to "eight."
 - e. 49 CFR 382.301(a) is changed to read: "Prior to the 1st time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances. No employer shall allow a driver to perform safety-sensitive functions unless the driver has received a controlled substances test result from the medical review officer indicating a verified negative test result."
 - f. 49 CFR 382.301(b) and (c): Delete these subsections.
 - g. 49 CFR 382.305(a)(1), (b), (c), (d) and (i): Delete these subsections.
 - h. 49 CFR 382.305(e): Delete the words "alcohol and" before "controlled substances testing."
 - i. 49 CFR 382.305(f): Delete the 1st sentence. In both places in the 3rd sentence, delete "alcohol and/or;" delete "alcohol or" following DOT.

- j. 49 CFR 382.305(g): In both places, delete "alcohol and."
 - k. 49 CFR 382.305(h): Delete "alcohol and/or."
 - l. 49 CFR 382.305(j): In both places, delete "alcohol or;" delete "alcohol and/or."
 - m. 49 CFR 382.305(k): In both places, delete "alcohol or."
2. An employer shall test an applicant or school bus driver for use of barbiturates, benzodiazepines, methadone, and propoxyphene using the procedure set forth at 49 CFR 40. When testing for barbiturates, benzodiazepines, methadone, and propoxyphene, the employer shall use a urine sample that is separate and not split from the urine sample used to test for marijuana, cocaine, opiates, amphetamines, and phencyclidine.
 3. The employer shall ensure that each school bus driver is tested for use of controlled substances at least once every 12 months. Controlled substances testing conducted after the initial or screening test may be conducted on a random basis.
 4. The employer shall submit any and all negative results of controlled substances and alcohol testing to the Department within 90 days of the date of testing by providing the Department a copy of the report submitted to the employer by the entity that conducted the testing.
 5. The employer shall immediately notify the Department by telephone of any and all positive results of controlled substances and alcohol testing and shall submit to the Department within 5 calendar days a copy of the report submitted to the employer by the entity that conducted the testing.
- D.** Driving record. During the 24 months before the date of application or during any 24-month period while certified as a school bus driver, an applicant or school bus driver shall not have accumulated 8 or more points against a driving record in this state using the point system contained in R17-4-506.
- E.** Training requirements of a school bus driver
1. Before being certified by the Department as a school bus driver, an applicant shall complete a minimum of 14 actual hours of classroom training in the following:
 - a. State and federal traffic laws,
 - b. Behind-the-wheel driving operations,
 - c. School bus driver's responsibilities to passengers and school,
 - d. Inspections and operations checks,
 - e. Records and reports,
 - f. Special needs transportation, and
 - g. Accidents and emergencies.
 2. Classroom training shall be taught by a classroom instructor.
 3. At least 7 calendar days before the date of the classroom training, the classroom instructor shall notify the Department in writing of the date, time, and location of classroom training. The classroom instructor shall notify the Department by any means available at least 24 hours before the date, time, or location of classroom training is changed or canceled.
 4. After completion of classroom training, the classroom instructor shall administer to the applicant a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the following classroom material:
 - i. State and federal traffic laws,
 - ii. Behind-the-wheel driving operations,
 - iii. School bus driver's responsibilities to passengers and school,
 - iv. Inspections and operations checks,
 - v. Records and reports,
 - vi. Special needs transportation, and
 - vii. Accidents and emergencies.
- b. Each question shall be given a value of 2 points. An applicant shall pass the examination by receiving a score that is equal to or exceeds 80% of the total possible score.
 - c. If an applicant is unable to read the English language, the employer shall arrange to have the examination administered orally to the applicant.
 - d. If an applicant does not receive the examination score required for classroom training on the 1st attempt, the applicant is allowed to take an examination 2 more times within 12 months of the 1st attempt. A different examination shall be administered to an applicant who is taking an examination for the 2nd or 3rd time. The period of time between examinations shall be a minimum of 24 hours. If the applicant fails the examination on the 3rd attempt, the applicant shall be considered further only if the applicant files a new application and the documents required by these rules.
5. The classroom instructor shall submit the following information in a written report to the Department and the employer within 7 calendar days from the date of the conclusion of a training course:
 - a. Instructor's name,
 - b. Instructor's certification number,
 - c. Date of training,
 - d. Location of training,
 - e. Each applicant's name, and
 - f. Each applicant's test score.
 6. After completing the classroom training and before being certified to transport passengers in a school bus, an applicant shall complete behind-the-wheel training consisting of a minimum of 20 actual hours operating a school bus.
 - a. Behind-the-wheel training shall be taught by a behind-the-wheel instructor who shall be present and observing the applicant while the applicant is operating the school bus.
 - b. Only the applicant, behind-the-wheel instructor, employer, and Department shall be aboard the school bus while the applicant actually operates the school bus.
 - c. The behind-the-wheel instructor shall administer a driving test as set forth in Exhibit B. The behind-the-wheel instructor shall either pass or fail an applicant and submit the results in writing to the Department and the employer within 7 calendar days of the conclusion of the test.
- F.** First aid and cardiopulmonary resuscitation
1. Before being certified, an applicant shall complete 4 actual hours of classroom instruction in cardiopulmonary resuscitation and 4 actual hours of classroom instruction in basic first aid.
 2. The instruction shall be conducted by an individual currently certified in first aid and cardiopulmonary resuscitation from a program approved by the American Heart Association, the American Red Cross, the National Safety Council, the Arizona Bureau of Mines, or by an emergency medical technician or paramedic certified pursuant to A.R.S. § 36-2205.

3. An applicant shall submit to the Department a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card issued to the applicant or other written documentation as proof of completion of the first-aid and cardiopulmonary resuscitation training.
 4. A school bus driver shall renew first-aid and cardiopulmonary resuscitation instruction before expiration of the current training. Renewal instruction shall consist of 4 actual hours in cardiopulmonary resuscitation and 4 actual hours in basic first aid provided by an individual described in subsection (F)(2). The school bus driver shall submit to the Department and the employer a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card or other written documentation as proof of renewal of training.
- G. Refresher training**
1. No later than 24 months following the date of initial certification or by October 31 of the 2nd consecutive year following the initial certification, whichever comes 1st, a school bus driver shall complete refresher training consisting of a minimum of 6 1/2 actual hours of classroom training in the following:
 - a. State and federal traffic laws,
 - b. School bus driver responsibilities to passengers and school,
 - c. Behind-the-wheel operations,
 - d. Records and reports,
 - e. Inspections and operations checks,
 - f. Special needs transportation, and
 - g. Accidents and emergencies.
 2. After completing the 1st refresher training, the school bus driver shall complete a minimum of 6 1/2 actual hours of classroom training in the areas described in subsection (G)(1) every 24 months following the last refresher training.
 3. A classroom instructor shall teach refresher training and shall submit the following information in a written report to the Department and the employer within 15 calendar days from completion of refresher training:
 - a. Instructor's name,
 - b. Instructor's certification number,
 - c. Date of training,
 - d. Location of training, and
 - e. Each school bus driver's name.
- H. Records**
1. The employer shall maintain qualification and training records of an applicant who is certified and of a school bus driver who terminates employment, and qualification records of an applicant who is refused certification, for 24 months from the date of certification, termination of employment, or refusal of certification.
 2. The employer shall maintain refresher training records of a school bus driver for 24 months from the date of completion of each refresher training course.
 3. The employer shall transfer qualification and training records of a school bus driver to a subsequent employer upon written request by the subsequent employer or school bus driver.
 4. Qualification records include:
 - a. Application,
 - b. Driving record, and
 - c. Copy of physical examination form and controlled substance test results.
 5. Training records include:
 - a. An applicant's initial training date and name and certification number of instructor,
 - b. A school bus driver's refresher training date and name and certification number of classroom instructor,
 - c. Classroom and behind-the-wheel training examination score,
 - d. A copy of the first-aid card and cardiopulmonary resuscitation card or other written documentation of completion of first-aid and cardiopulmonary resuscitation training, and
 - e. A copy of the school bus driver certification card issued by the Department.
- I. Refusal or cancellation of certificate**
1. The Department shall refuse to issue a certificate to an applicant or shall cancel a certificate of a school bus driver for:
 - a. Failing to meet or comply with the requirements of this Article;
 - b. Being convicted of any felony or of a misdemeanor relating to the occupation of a school bus driver;
 - c. Providing false, incomplete, or misleading information to the Department;
 - d. Pursuant to A.R.S. § 28-692, driving a school bus while under the influence of intoxicating liquor or drugs; or
 - e. Pursuant to A.R.S. §§ 28-441 through 28-455, having a commercial driver's license canceled, suspended, revoked, or denied.
 2. An applicant who has been refused a certificate or a school bus driver whose certificate has been canceled may request a hearing within 15 calendar days from the date of receipt of the notice of the refusal or cancellation. The hearing shall be conducted according to the procedures contained in A.R.S. §§ 41-1061 through 41-1066.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-103. Certification of Classroom and Behind-the-wheel Instructors

- A.** Before being certified to teach classroom training, an applicant shall:
1. Submit to the Department an application signed and dated by the applicant that states the applicant's:
 - a. Name, home address, and home phone number;
 - b. Date of birth;
 - c. Current employer's name, address, and phone number; and
 - d. Dates of all previous applications.
 2. Submit a letter to the Department from the current employer recommending that the applicant be considered as a classroom instructor; and
 3. Pass a written examination standardized by the Department:
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the following:
 - i. State and federal traffic laws,
 - ii. Behind-the-wheel driving operations,
 - iii. School bus driver's responsibilities to passengers and school,
 - iv. Records and reports,
 - v. Inspections and operations checks,
 - vi. Accidents and emergencies, and
 - vii. Special needs transportation.
 - b. Each question shall be given a value of 2 points. An applicant shall pass the examination by receiving a

score that is equal to or exceeds 90% of the total possible score.

- c. If an applicant is unable to read the English language, the employer shall arrange to have the examination administered orally to the applicant.
 - d. If an applicant does not receive the required examination score, the applicant may take a 2nd examination, different from the 1st, a minimum of 24 hours from the time of the 1st examination.
 - e. If the applicant fails to receive a passing score on the 2nd examination, the applicant shall not take another examination for a minimum of 12 months from the date of the 2nd examination. To receive further consideration, the applicant shall submit a new application and documents required by these rules.
 - f. The classroom instructor shall submit each applicant's examination score to the Department within 7 calendar days from the date of the examination.
- B.** After passing the written examination, the applicant shall complete 8 actual hours of classroom training provided by the Department consisting of updates of state and federal statutes and rules or regulations relating to school buses, teaching techniques, and communication skills. The Department shall issue a certificate to teach classroom training to each applicant immediately after the applicant completes the classroom training.
- C.** To maintain certification by the Department, a classroom instructor shall teach a minimum of 12 actual hours of classroom training every 12 months from the date of certification. The classroom instructor shall submit the following written documentation to the Department within 15 days of completion of a training program:
1. Name of classroom instructor,
 2. Location of training,
 3. Subject matter of training,
 4. Date of training, and
 5. Number of actual hours of training completed.
- D.** Before being certified to teach behind-the-wheel training, an applicant shall:
1. Be certified continuously as a school bus driver in Arizona for the 12-month period immediately preceding the application and be employed as a certified school bus driver at the time of application;
 2. Submit an application to the Department signed and dated by the applicant that states the applicant's:
 - a. Name, home address, and home phone number;
 - b. Commercial driver's license number;
 - c. Current employer's name, address, and phone number; and
 - d. Dates of all previous applications;
 3. Submit a letter from the current employer recommending that the applicant be considered as a behind-the-wheel instructor; and
 4. Pass a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the following:
 - i. State and federal traffic laws,
 - ii. Behind-the-wheel driving operations,
 - iii. School bus driver's responsibilities to passengers and school,
 - iv. Records and reports,
 - v. Inspection and operations checks,
 - vi. Accidents and emergencies, and
 - vii. Special needs transportation.
- E.** After passing the written examination, the applicant shall complete 4 actual hours of classroom training provided by the Department, consisting of updates of state and federal statutes and rules or regulations relating to school buses, teaching techniques, and communication skills. The Department shall issue a certificate to teach behind-the-wheel training to each applicant immediately after the applicant completes the classroom training.
- F.** To maintain certification by the Department, a behind-the-wheel instructor shall maintain certification as a school bus driver in this state and teach a minimum of 12 actual hours of behind-the-wheel training every 12 months from the date of certification. The behind-the-wheel instructor shall submit the following written documentation to the Department every 12 months from the date of certification:
1. Name of behind-the-wheel instructor,
 2. Location of training,
 3. Subject matter of training,
 4. Date of training, and
 5. Number of actual hours of training provided.
- G.** Records
1. The Department shall maintain qualification and training records for each classroom and behind-the-wheel instructor for 24 months from the date of certification.
 2. Qualification records include:
 - a. Application,
 - b. Driving record, and
 - c. Letters of recommendation.
 3. Training records include:
 - a. Examination test scores,
 - b. A copy of the certification card issued by the Department, and
 - c. All documents required by subsection (C) or (F) of this Section.
- H.** Refusal to issue or cancellation of certificate of classroom or behind-the-wheel instructor
1. The Department shall refuse to issue a certificate to an applicant or shall cancel a certificate of a behind-the-wheel instructor for:
 - a. Failing to meet or comply with the requirements of this Article;
 - b. Being convicted of any felony or of a misdemeanor relating to the occupation of a school bus driver;
 - c. Providing false, incomplete, or misleading information to the Department;

- d. Pursuant to A.R.S. § 28-692, driving a school bus while under the influence of intoxicating liquor or drugs; or
 - e. Pursuant to A.R.S. §§ 28-441 through 28-455, having a commercial driver's license canceled, suspended, revoked, or denied.
2. The Department shall refuse to issue a certificate to an applicant or shall cancel a certificate of a classroom instructor for:
 - a. Failing to meet or comply with the requirements of this Article; or
 - b. Providing false, incomplete, or misleading information to the Department.
 3. An applicant who has been refused a certificate or an instructor whose certificate has been canceled may request a hearing within 15 calendar days from the date of receipt of the notice of the refusal or cancellation. The hearing shall be conducted according to the procedures contained in A.R.S. §§ 41-1061 through 41-1066.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-104. Minimum Standards for School Bus Operation

A. The school bus driver shall perform operations checks of a school bus as required by R17-9-108.

B. Loading or unloading of passengers:

1. As of the effective date of these rules, an 8-lamp system as described in R17-9-107(13) shall be installed on a school bus before it is introduced into Arizona. When preparing to stop the school bus, the school bus driver shall activate the alternately flashing amber lamps of an 8-lamp system or the alternately flashing red lamps of a 4-lamp system for a minimum distance of 100 feet. Whenever the school bus is stopped to load or unload passengers, the school bus driver shall deactivate the alternately flashing amber lamps and activate the alternately flashing red lamps of an 8-lamp system, and extend the stop arm and open the service door.
 2. When a school bus driver stops the school bus to load or unload passengers, the school bus driver shall set the parking brake and place the transmission in neutral.
 3. The distance between stops for the purpose of loading or unloading passengers shall be no less than 600 feet, unless the school determines that more frequent stops are necessary for safety. The school bus shall be stopped as near the right edge of the traveled portion of the street or highway as possible.
 4. A school bus driver shall not stop on a street or highway in a position from which passengers are loaded or unloaded on the traffic side of the bus.
 5. When a school bus driver loads or unloads passengers who must cross a street or highway at a location other than an intersection, the passengers shall cross at least 10 feet in front of the front bumper of the school bus. The school bus driver shall not permit passengers who must cross a street or highway to be unloaded from the school bus until all traffic to the front and rear of the school bus has stopped. The school bus driver shall not move the school bus until all passengers have crossed the street or highway.
 6. In intersections that use lighted traffic control signals, passengers shall be loaded or unloaded no closer than 100 feet of the traffic control signal so the passengers may cross with the traffic control signal, either before or after the school bus proceeds.
 7. In intersections without lighted traffic control signals, passengers shall be loaded or unloaded no closer than 50 feet of the intersection so the passengers may cross at the intersection, either before or after the school bus proceeds.
 8. A school bus driver shall not stop a school bus on an interstate highway for the purpose of loading or unloading passengers, except that:
 - a. School bus stops may be established on frontage roads that parallel interstate highways if no passenger is allowed to cross a divided highway.
 - b. A school bus may stop in safety rest areas as defined by A.R.S. § 28-2101(8) that are part of or adjacent to an interstate highway.
 9. A school bus driver shall load or unload passengers on school grounds only in an area designated by the school and marked with a sign as a school bus loading area.
 10. During the time of loading or unloading of passengers at a designated school bus loading area at a school, the loading area is restricted to school buses, passengers, and school employees assisting in the loading or unloading of passengers.
 11. A school shall allow passengers in a designated school bus loading area only when the passengers are being loaded on or unloaded from the school bus.
 12. A school shall designate all school bus loading areas at locations that prevent backing of the school bus.
 13. In areas at a school not designated as a school bus loading area, a school bus driver shall not back upon or adjacent to the school grounds unless an individual authorized by the school bus driver directs the backing procedure while standing at the rear of the school bus in a position visible to the school bus driver. This provision does not apply to a school bus garage or school bus storage area where passengers are not allowed.
 14. Immediately before a school bus driver engages in backing the school bus, the school bus driver shall sound the horn to warn motorists and pedestrians of the backing procedure. This provision does not apply if the school bus is equipped with an alarm that operates automatically when the school bus is backing.
 15. In addition to the requirements for railroad grade crossings contained in A.R.S. § 28-853, the following apply:
 - a. Hazard warning lights as described in A.R.S. § 28-947(D) shall be used within a minimum of 100 feet of all railroad grade crossings to warn motorists of an intended stop.
 - b. All school buses, with or without passengers aboard, shall stop at railroad grade crossings when traffic at the railroad grade crossing is not directed by a police officer or traffic-control signal.
 - c. While stopped at a railroad grade crossing at which traffic is not directed by a police officer or traffic-control signal, the school bus driver shall completely open the service door and the window to the left of the driver and, by hearing and sight, determine that it is safe to cross. Before proceeding, the school bus driver shall close the service door.
 - d. A school bus driver shall not stop to load or unload passengers within 200 feet of a railroad grade crossing. This provision shall not prohibit stops at a railroad station or on a highway that parallels the railroad tracks.
- C. An employer shall not allow or require a school bus driver to drive a school bus nor shall a school bus driver drive a school bus:

1. For more than 10 hours after having been off-duty for a minimum of 8 consecutive hours;
 2. For any period after having been on-duty for 15 hours after having been off-duty for a minimum of 8 consecutive hours;
 3. After having been on-duty 60 hours in any 7 consecutive days if the employer does not operate school buses for 7 consecutive days; or
 4. After having been on-duty 70 hours in any 8 consecutive days if the employer operates school buses every day of the week.
- D. Other requirements:**
1. A school bus driver shall wear a seat belt whenever the school bus is in motion.
 2. Passengers shall comply with all instructions given to them by a school bus driver. A passenger or a non-passenger who has boarded the school bus and refuses to comply with the school bus driver's instructions may be surrendered into the custody of a person who is authorized by the school to assume responsibility for the passenger or non-passenger.
 3. All passengers shall sit with their backs against the seat backs, their legs facing towards the front of the school bus, and all parts of their bodies clear of all aisles.
 4. A school bus driver shall not transport in a school bus more passengers than the rated capacity stated by the school bus manufacturer.
 5. A school bus driver shall close the doors of a school bus before operating the school bus. The service doors shall remain closed whenever the school bus is in motion.
 6. A school bus driver shall not place the transmission in neutral or coast with the clutch disengaged on a downhill grade.
 7. The driver of a school bus equipped with a 2-speed axle shall not shift the axle while descending any hill posted with grade warning signs.
 8. A school bus shall not be fueled in a closed building, while the school bus engine is running, or while passengers are on board.
 9. A school bus driver or passenger shall not use tobacco in any form on a school bus.
 10. A school bus driver shall not carry on a school bus or consume any beverage containing any alcohol while on duty with the employer or within 8 hours before going on duty with the employer.
 11. A school bus driver shall not at any time carry on a school bus or use a controlled substance.
 12. A passenger shall not carry on a school bus, or consume while being transported in a school bus, any controlled substance or any beverage containing any alcohol.
 13. A school bus driver shall not transport animals, insects, or reptiles in a school bus with the exception of service dogs, as defined at A.R.S. § 11-1024(G)(3), which assist passengers with disabilities.
 14. Except for eyeglasses, a passenger or school bus driver shall not carry or transport glass objects on a school bus.
 15. A school bus driver or passenger shall not carry on or transport in a school bus an explosive device, gun, or knife.
 16. A passenger shall not place any part of the passenger's body out of a school bus window or door except when exiting the school bus.
 17. When instruments or equipment related to musical or athletic events are transported on a school bus, the school bus driver shall transport them as follows:
 - a. Instruments or equipment shall not occupy seating space if needed for a passenger,
 - b. Instruments or equipment shall not be placed in the school bus driver's compartment or step-well of the school bus,
 - c. Instruments or equipment shall be under the passenger's control at all times or secured in the school bus, and
 - d. Instruments or equipment shall not block an aisle or emergency exit of a school bus at any time.
 18. A passenger who carries onto a school bus an object other than an instrument or equipment related to musical or athletic events shall control the object at all times or secure the object in the school bus.
 19. A school bus driver shall secure all objects inside the school bus driver's compartment and service entrance.
 20. A school bus driver shall not drive a school bus with a trailer or other vehicle attached to the school bus.
 21. A school bus driver shall stop the school bus and check the wheels and tires for wear, damage, and inflation after every 2 continuous hours of driving.
 22. All school buses shall have and school bus drivers shall use a 2-way voice communication system.
 23. A school bus driver shall not wear an audio headset or earphones or use a cellular telephone whenever the school bus is in motion.
 24. When a school bus driver leaves the driver's compartment, the school bus driver shall set the parking-brake system, place a standard transmission in either 1st or reverse gear, place an automatic transmission in park or neutral, and turn off the ignition and remove the ignition key from an ignition that uses a key, or set the ignition power-deactivation switch of an ignition that does not use a key.
 25. At the conclusion of each route, a school bus driver shall inspect the interior of the school bus for passengers remaining and objects left on the school bus.
 26. At least once every 6 months, a school shall conduct an evacuation drill of a school bus at the school that includes every passenger who rides a school bus. At least 14 days before an evacuation drill, a school shall submit to the Department a written notice stating the date, time, and location of the evacuation drill. Each school bus driver shall conduct or participate in a minimum of 1 evacuation drill every 6 months. Evacuation drills shall include:
 - a. Practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first-aid equipment, windows as a means of escape, and communication systems;
 - b. Practice and instruction in when and how to approach, load, unload, and move away from the school bus a minimum of 100 feet;
 - c. Instructions on how weather-related hazards affect emergency procedures; and
 - d. Instructions on the importance of orderly conduct.
 27. A white, flashing, strobe lamp as described in R17-9-107(13)(f) may be used only during conditions that produce low visibility or that are hazardous.
- E. Reports and record keeping:**
1. Immediately following any accident involving a school bus, a school bus driver shall report the accident to the employer.
 2. Immediately upon receiving notification of any accident involving a school bus, the employer shall notify the Department of the accident by telephone. The employer

shall submit written verification of the accident to the Department within 72 hours of the telephone notification.

3. Within 14 days of an evacuation drill, a school district shall submit to the Department a written report of the evacuation drill identifying the school district, participating school, date, and number of participants.
4. From the date on which a record is created, the employer shall maintain for 3 years the following written records for each school bus driver:
 - a. On a daily basis, the period of time each school bus driver is on-duty for the employer including the date, each start and quit time, and the total number of hours on-duty for the employer.
 - b. On a daily basis, the total number of hours on-duty for an entity other than the employer during the previous 7 days.
5. A school bus driver who receives a citation shall immediately inform the employer by telephone about the citation and shall submit a copy of the citation to the employer within 5 calendar days.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-105. Special Needs Standards

A. General requirements:

1. As of the effective date of these rules, before being introduced into Arizona, school buses designed for transporting disabled passengers shall comply with the minimum standards applicable to school buses and the specifications contained in this Section. School buses designed for transporting disabled passengers that were introduced into Arizona before the effective date of these rules shall comply with the minimum standards set forth in these rules, including this Section or those set forth at R17-4-608.
2. Any school bus that is used for transporting a passenger who uses a wheelchair shall be equipped with a wheelchair lift.
3. The wheelchair lift shall be located on the side of the bus body opposite the school bus driver. The wheelchair lift shall not be attached to the exterior sides of the school bus and shall be confined within the school bus body when not extended.
4. Any school bus that is used for transporting disabled passengers shall be equipped with a belt cutter that is accessible only to the school bus driver.

B. Special-service entrance:

1. A school bus designed for transporting disabled passengers shall have a special-service entrance that accommodates a wheelchair lift used for the loading or unloading of disabled passengers.
2. The special-service entrance shall be located at any point on the side of the bus opposite the school bus driver and far enough to the rear of the school bus to prevent the special-service entrance door from obstructing the service door when the special-service entrance door is open.
3. The special-service entrance shall be of a width and depth to accommodate a wheelchair lift. The wheelchair lift shall have a minimum clear opening of 30 inches to allow for the passage of a wheelchair.
4. A drip molding shall be installed above the special-service entrance to divert water from the special-service entrance.
5. The frame surrounding the special-service entrance shall be constructed to provide support and strength at least

equal to the school bus body standards as set forth in R17-9-107.

C. Special-service entrance doors:

1. A school bus designed for transporting passengers in wheelchairs shall provide a special-service entrance door not to exceed 45 inches in width.
2. Two doors shall not be used for a special-service entrance on a school bus.
3. The special-service entrance door shall be constructed to open toward the exterior of the school bus.
4. The special-service entrance door shall have a fastening device attached to the school bus body to hold the special-service entrance door in an open position.
5. The special-service entrance door shall be weather-sealed by a rubber cushion affixed to the door or door frame.
6. Door materials, panels, and structural strength of a special-service entrance door shall be equivalent to the standards contained in R17-9-107 for a service door and an emergency door. Color, rub rail extensions, lettering, and all exterior features shall match adjacent sections of the school bus body.
7. The window in the special-service entrance door shall be made of safety glass, mounted in rubber that is equal to the mounting of the other windows, and aligned with the side windows of the school bus.
8. A pressure switch shall be installed in the special-service entrance door frame that will actuate a green flashing lamp located in the school bus driver's compartment when the ignition is in the "on" position to warn the school bus driver when the special-service entrance door is not closed.
9. A pressure switch shall be installed in the special-service entrance door frame so the wheelchair-lift mechanism will not operate when the special-service entrance door is closed.

D. Wheelchair lift:

1. The wheelchair-lift mechanism shall be capable of lifting a minimum load of 800 pounds.
2. When the wheelchair-lift platform is raised to the maximum position, it shall be held in position by the wheelchair-lift mechanism.
3. Controls shall be provided that enable an individual authorized by the school bus driver to activate the wheelchair lift from either inside or outside the school bus.
4. A wheelchair lift shall be equipped so it may be manually raised or lowered in the event of a power failure to the wheelchair lift.
5. A wheelchair lift shall contain a safety device to prevent the lift platform from falling.
6. A wheelchair lift shall be constructed so it allows the wheelchair-lift platform to rest completely on the ground.
7. All edges of the wheelchair-lift platform shall be designed to restrain the wheelchair and prevent the feet of an individual in the wheelchair lift from becoming caught during the raising or lowering process.
8. A barrier shall be attached along the outer non-loading edges of the wheelchair-lift platform that will prevent the wheelchair from rolling off the wheelchair-lift platform when the wheelchair-lift platform is placed in any position other than completely extended on ground level.
9. A self-adjusting, skid-resistant plate shall be installed on the loading edge of the wheelchair-lift platform to reduce the incline from the wheelchair-lift platform to ground level. This plate shall be used as a restraining barrier on the loading edge of the wheelchair-lift platform. The wheelchair-lift platform shall be skid-resistant.

10. A school bus shall be provided with a battery to be used exclusively for the operation of the wheelchair lift. The electrical-charging system of the school bus shall charge the battery of the wheelchair lift. The wheelchair-lift battery shall not supply power to any other electrical system in the school bus body.
 11. A circuit breaker or fuse shall be installed between the battery and wheelchair-lift motor.
 12. The wheelchair-lift mechanism shall be equipped with an adjustable switch that limits the electrical power to the wheelchair-lift motor and a bypass valve to prevent pressure from building in the hydraulic system when the wheelchair-lift platform reaches the maximum up or down position.
 13. A ramp may be carried on the school bus for use during an occurrence that requires an evacuation of a school bus. The ramp shall not be stored within the passenger compartment of the school bus.
- E. Wheelchair and wheelchair-passenger securement:**
1. Each wheelchair in a school bus shall be secured in a forward-facing position. Medical equipment and supplies required to accommodate a disabled passenger shall be secured in a school bus by means of alterations approved by the Department in accordance with R17-9-108(G).
 2. Each space designated for a wheelchair in a school bus shall be a minimum of 30 inches in width from the interior school bus wall to the aisle and a minimum of 48 inches in length. A wheelchair shall not be placed in a position that it prevents passage through the special-service entrance.
 3. The wheelchair-securement system shall provide a minimum of 4 wheelchair-securement anchorages attached to the school bus floor with a minimum of 2 anchorages located at the rear of the space designated for a wheelchair and a minimum of 2 anchorages located at the front of the space.
 4. A wheelchair-securement system shall provide a minimum of 1 wheelchair-securement device located in each of the rear anchorages and a minimum of 1 wheelchair-securement device located in each of the front anchorages.
 5. A wheelchair space shall have a minimum of 1 wheelchair-passenger restraint anchorage attached to the interior wall of the school bus and a minimum of 2 wheelchair-passenger restraint anchorages located at the rear of the space.
 6. Each wheelchair space shall have 1 wheelchair-passenger restraint.
- F. Dome light:** A dome light shall be placed in the interior ceiling of the school bus to illuminate the wheelchair lift area. The dome light shall be activated by a pressure switch located in the special-service entrance door or by a manually operated switch located in the interior of the school bus no more than 1 foot from the special-service entrance door. These switches shall be used exclusively for the dome light.
- G. Aisles:** All aisles leading to an emergency door used for emergency evacuation shall be a minimum of 30 inches in width. The emergency door opening shall be a minimum of 30 inches in width.
- H. Seating arrangements:** All fixed seats in a special-needs school bus shall be forward facing.
- I. Emblem:** A school bus used for transporting disabled passengers shall display a wheelchair emblem below the upper window on the emergency door or below the center window on the engine cover of a rear engine school bus, and on the portion of the school bus body that is in front of the centerline and below the windshield on the side of the bus opposite the school bus driver. The emblem shall be made of blue, reflective material and be a minimum of 6 inches in width and height and a maximum of 12 inches in width and height and shall contain a reflective white wheelchair impression with a minimum of 1/8 inch reflective white border around the outer edges of the emblem.
- J. Types A and B school buses used for transportation of disabled passengers shall comply with the specifications contained in this Section except:**
1. A ramp may be installed in place of a wheelchair lift;
 2. If a ramp is used, it shall be of a strength and rigidity to support a wheelchair, passenger, and individual attending the wheelchair passenger. The ramp shall be equipped with a barrier on each longitudinal side to prevent the wheelchair from leaving the ramp;
 3. The floor of the ramp shall be covered with nonskid material; and
 4. A ramp shall not be carried in the passenger compartment of a school bus.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-106. Minimum Standards for School Bus Chassis

As of the effective date of these rules, the chassis of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The chassis of a school bus introduced into Arizona before the effective date of these rules shall meet the requirements of this Section or those set forth at R17-4-609.

1. Air cleaner: An engine intake air cleaner shall be installed in the school bus that meets engine specifications defined by the school bus manufacturer.
2. Axles: The front and rear axles and suspension assemblies shall have a gross axle weight rating consistent with that stated by the chassis manufacturer on a notice located in the school bus driver's compartment.
3. Back-up alarm: If installed, an alarm that emits a warning sound when the school bus is backing shall conform to the following:
 - a. The alarm-signaling device shall be of electronic, solid state design and shall emit an audible sound of a minimum of 97 dB(A) measured at 4 feet, 0 degrees access from the source of the sound.
 - b. The alarm-signaling device shall be wired into the backup light circuits and shall emit sound automatically when the gear shift lever is in "reverse" position.
 - c. The alarm-signaling device shall be attached to the chassis behind the rear axle.
4. Brakes:
 - a. A school bus with a passenger capacity of 60 or less shall be equipped with a service-brake system that uses compressed air, vacuum assist, or hydraulic assist.
 - b. A school bus with a passenger capacity greater than 60 shall be equipped with a service-brake system that uses compressed air.
 - c. In addition to the service-brake system, a school bus shall be equipped with a parking-brake system to keep the school bus from moving when parked.
 - d. The service brakes in a compressed-air system shall be adjusted using the following criteria:

- | <u>Diameter of Rubber Seal
Separating the Air Chamber
in Brake Chamber</u> | <u>Outside Diameter of Air
Chamber</u> | <u>Maximum Distance for
Readjustment of Pushrod</u> |
|--|--|---|
| 6 square inches | 4 1/2 inches | 1 1/4 inches |
| 9 square inches | 5 1/4 inches | 1 3/8 inches |
| 12 square inches | 5 11/16 inches | 1 3/8 inches |
| 16 square inches | 6 3/8 inches | 1 3/4 inches |
| 20 square inches | 6 25/32 inches | 1 3/4 inches |
| 24 square inches | 7 7/32 inches | 1 3/4 inches |
| 30 square inches | 8 3/32 inches | 2 inches |
| 36 square inches | 9 inches | 2 1/4 inches |
- e. The service-brake system in a compressed-air system shall contain an emergency-brake system that will activate when the air loss in the service-brake system reaches 20 to 45 pounds per square inch.
 - f. A school bus using a compressed-air, vacuum-assist, or hydraulic-assist service-brake system shall be equipped with a signal located in the school bus driver's compartment that emits a continuous audible or visible warning to the school bus driver when:
 - i. The air pressure available in a compressed-air braking system is 60 pounds per square inch or less;
 - ii. The vacuum available for braking in a vacuum-assist system is 8 inches of mercury or less; or
 - iii. There is a loss of fluid flow from the main hydraulic pump or loss of electric source powering the backup system in a hydraulic-assist system.
 - g. A school bus using a compressed-air or vacuum-assist service-brake system shall be equipped with 1 or 2 illuminated gauges located in the school bus driver's compartment that show the pounds per square inch of compressed air or the inches of mercury vacuum available for the operation of the brake.
 - h. A vacuum-assist brake system shall have a vacuum storage reservoir used exclusively for the brakes to ensure that the loss in vacuum is not more than 30% when the brake pedal is completely depressed while the engine is not running.
 - i. A compressed-air or vacuum-assist brake system with a dry reservoir shall have a 1-way valve that will prevent the loss of compressed air or vacuum between the dry reservoir and the source of vacuum or compressed air.
 - j. A brake system with a wet reservoir shall have a valve located at the bottom of the wet reservoir that operates automatically or can be operated remotely or manually to eject the moisture from the reservoir.
 - k. Compressed-air, vacuum-assist, or hydraulic-assist brake lines and booster-assist lines shall be installed in a manner that prevents heat, vibration, and chafing damage.
 - l. The brake systems of Type C and Type D school buses shall be installed so the chassis components can be visually inspected to detect brake lining wear without removal of any of the chassis components.
5. Front bumper: The front bumper shall be positioned at the forward-most part of the school bus and shall extend to the outer edges of the school bus.
 6. Clutch: The clutch torque capacity shall be equal to or greater than the engine torque output.
 7. Color: The chassis, including wheels and front bumper, shall be painted black. The hood and fenders shall be painted National School Bus Yellow as set forth in R17-9-107(4).
 8. Cooling system: A school bus shall be equipped with a cooling system that maintains the engine temperature operating range required to prevent damage to the school bus engine.
 9. Drive shaft: Each section of the drive shaft to the rear driving axle shall be protected by a metal guard around its circumference to reduce the possibility of the drive shaft penetrating through the school bus floor or dropping to the ground.
 10. Electrical system:
 - a. Battery: The battery shall have a minimum cold-cranking capacity rating equal to the cranking current required by the engine for 30 seconds at 0° F. or -17.8° C. and a minimum reserve capacity rating of 120 minutes at 25 amperes.
 - b. Alternator:
 - i. A Type A bus shall have an alternator with a minimum charging rate of 90 amperes per hour. If equipped with a wheelchair lift, the alternator shall have a minimum charging rate of 100 amperes per hour.
 - ii. A Type B bus shall have an alternator with a minimum charging rate of 100 amperes per hour.
 - iii. Types C and D buses shall have an alternator with a minimum charging rate of 120 amperes per hour and a minimum charging rate of 30 amperes at engine idle speed.
 - iv. The alternator on a school bus shall contain a regulator to control the voltage to the battery.
 - c. Wiring:
 - i. All wiring shall conform to the current, recommended practices of the Society of Automotive Engineers Standard J1292, published October 1981 (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - ii. All wiring shall use a standard color or number coding and each chassis shall contain a wiring diagram that details the wiring of the chassis.
 - iii. The chassis shall be equipped with a connection to provide electrical power to the school bus. The connection shall be located on the chassis cowl or on the engine compartment of a school bus designed without a chassis cowl. The connection shall contain terminals for the main 100 ampere body circuit, tail lamps, right-turn signal, left-turn signal, stop lamps, backup lamps, and instrument panel lights. The instrument panel lights shall have a rheostat control.
 11. Engine horsepower: The gross vehicle weight rating of the school bus shall not exceed 185 pounds for each

- engine horsepower as published by the manufacturer on a notice located on the school bus engine.
12. Exhaust system:
 - a. The exhaust pipe, muffler, and tailpipe shall be located under the school bus body and shall be attached to the chassis.
 - b. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.
 - c. The exhaust system on a gasoline-powered chassis shall be insulated from the fuel tank and fuel tank connections by a shield at any point where the exhaust system is 12 inches or less from the fuel tank or fuel tank connections.
 13. Frame:
 - a. The school bus frame shall be of a design and strength capable of supporting the gross vehicle weight of the school bus.
 - b. A school bus frame shall not be altered for any purpose.
 - c. Holes in top or bottom flanges of frame rails are not permitted except as provided by the manufacturer. There shall be no welding to the frame rails except by the chassis or body manufacturer or the manufacturer's certified agent.
 14. Front fenders of Type C buses: The outer edges of the front fenders shall be wider than the outer edges of the front tires when the front wheels are in the straight-ahead position.
 15. Fuel system:
 - a. A school bus shall contain a fuel tank with a minimum 30-gallon capacity, with a minimum dispersion of 25 gallons of fuel to the engine. The fuel tank shall be vented to the outside of the school bus body so fuel spillage will not contact any part of the exhaust system.
 - b. No portion of the fuel system that is located outside of the engine compartment, except the filler tube, shall extend above the top of the chassis frame.
 - c. A fuel filter with replaceable element shall be installed between the fuel tank and engine.
 - d. The fuel line that supplies fuel to the engine shall be located at the top of the fuel tank.
 16. Horn: A school bus shall be equipped with at least 1 horn capable of producing a sound level between 82 and 102 dB(A) when tested according to the Society of Automotive Engineers Standard J377, published February 1987 (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 17. Instruments and instrument panel:
 - a. The chassis shall be equipped with the following instruments:
 - i. Speedometer,
 - ii. Odometer that will give accrued mileage including tenths of miles,
 - iii. Voltmeter or ammeter,
 - iv. Oil pressure gauge,
 - v. Water temperature gauge,
 - vi. Fuel gauge,
 - vii. Upper beam head lamp indicator,
 - viii. Brake system signal as required by R17-9-106(4)(f),
 - ix. Turn signal indicator, and
 - x. Air pressure or hydraulic gauge.
 - b. The instruments shall be mounted on the instrument panel in the school bus driver's compartment and shall be visible to the school bus driver while seated in the driver's seat.
 - c. The instrument panel shall be equipped with a rheostat switch that controls the illumination to the instrument panel and the gear shift selector indicator.
 18. Oil filter: A replaceable element or cartridge-type oil filter shall be provided with a minimum capacity that meets or exceeds the capacity recommended by the manufacturer of the school bus engine.
 19. Openings: All openings in the floorboard and in the fire wall between the chassis and passenger compartment shall be sealed.
 20. Splash guards:
 - a. A school bus shall be equipped with rear fender splash guards that shall be constructed of flexible rubberized material.
 - b. The splash guards shall be wide enough to cover the tire tread width and shall be installed close enough to the tire tread surface as to control side-throw of road surface material and shall extend to within 8 inches of ground level.
 21. Steering system:
 - a. Power steering is required on all school buses manufactured after January 1, 1984.
 - b. Bracing extending from the center of the steering wheel to the steering wheel ring shall not be cracked or missing.
 - c. The distance of movement of the steering wheel between 2 points of resistance shall not be greater than the following when measured with the engine running:

	Steering Manual steering	Power steering
wheel diameter		
16 in. or less	2 in.	4 1/2 in.
18 in.	2 1/4 in.	4 3/4 in.
20 in.	2 1/2 in.	5 1/4 in.
22 in.	2 3/4 in.	5 3/4 in.
 - d. There shall be clearance of at least 2 inches between the steering wheel and any object in the driver's compartment.
 - e. A non-adjustable steering column shall be fastened in a fixed position. An adjustable steering column shall be equipped with a locking mechanism.
 - f. The steering gear housing shall not have loose or missing mounting bolts or cracks in the gear housing or mounting brackets.
 - g. The connecting arm on the steering gear power source shall not be loose.
 - h. The steering wheel shall turn freely in both directions.
 - i. The steering system shall be provided with a means for lubrication of all wear-points.
 22. Suspension:
 - a. Shock absorbers:
 - i. The bus shall be equipped with front and rear double-acting shock absorbers. Replacements to shock absorbers shall be made according to the specifications of the manufacturer's part number as stamped on the shock absorber.
 - ii. If a school bus is manufactured with tandem rear axles, rear-shock absorbers are not required.

- b. Suspension springs:
 - i. Rear springs, if used, shall be of progressive type which adapt to variable weights.
 - ii. Axles shall be mounted to suspension springs with U-bolts.
 - 23. Tires and wheels:
 - a. Tires and wheels shall have an accumulated load rating at least equal to the gross vehicle weight rating.
 - b. Dual rear tires shall be provided on all school buses that have a gross vehicle weight rating of more than 10,000 pounds.
 - c. Each tire on a particular axle shall be of the same size.
 - d. All tires on a school bus shall be bias or all tires on a school bus shall be radial and shall not differ more than 1 size between front and rear axles.
 - e. On a Type C or D bus, a spare tire, if present, shall be in a carrier mounted outside the passenger compartment.
 - 24. Transmission: The school bus transmission shall provide for not less than 3 forward and 1 reverse speeds.
 - 25. Turning radius:
 - a. A chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.
 - b. A chassis with a wheelbase of more than 264 inches shall have a right and left turning radius of not more than 44 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.
 - 26. Weight:
 - a. The gross vehicle weight of the school bus shall not exceed the chassis manufacturer's gross vehicle weight rating for the chassis as recorded on a notice located in the school bus driver's compartment.
 - b. The gross vehicle weight is the sum of the chassis weight, the school bus body weight, the school bus driver's weight, and the total seated passenger weight.
 - i. For the purpose of calculation, the school bus driver's weight is 150 pounds.
 - ii. For the purpose of calculation, the passenger weight is 120 pounds per passenger.
 - c. The weight distribution of a school bus on a level surface that is fully loaded according to the gross vehicle weight rating shall not exceed the front axle gross weight rating or rear axle gross weight rating as recorded on a notice located in the school bus driver's compartment.
- Historical Note**
- Adopted effective February 16, 1996 (Supp. 96-1).
- R17-9-107. Minimum Standards for School Bus Body**
- As of the effective date of these rules, the body of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The body of a school bus introduced into Arizona before the effective date of these rules shall meet the requirements of this Section or those set forth in A.A.C. R17-4-610.
- 1. Aisle:
 - a. The center aisle of a school bus shall have a clearance of not less than 12 inches at the bottom of the seat cushion, increasing to 15 inches at the top of the seat backs.
 - b. Aisles to side emergency doors shall have a minimum clearance of 12 inches which may be achieved by using flip-up type seats.
 - 2. Auxiliary fans:
 - a. Auxiliary fans, if installed, shall be placed in locations that do not obstruct the school bus driver's view of any mirror located on the school bus.
 - b. Auxiliary fans, if installed, shall be a maximum of 6 inches in diameter with the fan blades covered by a protective cage.
 - c. Each installed auxiliary fan shall be controlled by a switch that is independent of any other electrical system.
 - 3. Battery:
 - a. Batteries shall be secured to a slide-out or swing-out tray in a vented compartment in the school bus body, so the battery is accessible to the outside for servicing. The battery-compartment door shall be secured by a fastening device when the door is in an open or closed position.
 - b. The battery compartment shall be identified by unshaded black letters that are no less than 1 inch and no more than 2 inches in height located on the compartment door or immediately above the compartment door.
 - c. Buses with a battery located under the engine hood are exempt from these provisions.
 - 4. Color:
 - a. The school bus body shall be painted National School Bus Yellow according to the following specifications and tolerances:

Description	Reflectance	Chromaticity	
		X	Y
Centroid	41.5%	.5139	.4434
V+ Light Limit	42.9%	.5139	.4427
V- Dark Limit	39.8%	.5133	.4422
H+ Green Limit	41.6%	.5123	.4368
H- Red Limit	41.7%	.5168	.4489
C+ Vivid Limit	41.5%	.5188	.4457
C- Weak Limit	41.5%	.5095	.4405
 - b. The bumpers, lamp hoods, lettering, and rub rails on the school bus body shall be painted black.
 - 5. Defrosters:
 - a. Defrosting and defogging equipment shall direct a flow of heated air onto the windshield, the window to the left of the driver, and the glass in the viewing area directly to the right of the driver to eliminate frost, fog, and snow.
 - b. The defrosting system shall conform to the Society of Automotive Engineers Standards J381, published June 1984 (and no future amendments or editions), and J382, published October 1984 (and no future amendments or editions), both incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - c. Auxiliary fans shall not be used in place of a defrosting and defogging system.
 - d. Portable heaters shall not be used in place of a defrosting or defogging system.
 - 6. Electrical wiring:
 - a. All electrical wiring on a school bus shall conform to the standards contained in the Society of Automotive Engineers Standard J1292 published October 1981 (and no future amendments or editions) incorporated by reference and on file with the Department and the Office of the Secretary of State.

- b. Electrical wiring that is coded by color shall be coded as follows:
 - i. Left Rear Directional Light Yellow
 - ii. Right Rear Directional Light Dark Green
 - iii. Stoplights Red
 - iv. Backup Lights Blue
 - v. Taillights Brown
 - vi. Ground White
 - vii. Ignition Feed, Primary Feed Black
 - c. Circuits: Electrical wiring circuits shall be protected by a fuse or circuit breaker and shall be coded by number or color on an electrical wiring diagram located in the driver's compartment or the electrical access panel door. There shall be at least 7 circuits as follows:
 - i. Head, tail, stop, and instrument panel lamps;
 - ii. Clearance and step-well lamps;
 - iii. Dome lamps;
 - iv. Ignition and emergency door signal;
 - v. Turn signal lamps;
 - vi. Alternately flashing signal lamps; and
 - vii. Heaters and defrosters.
 - d. All electrical wires passing through metal openings shall be protected by a non-metal grommet.
 - e. Electrical wires not enclosed within the school bus body shall be fastened at intervals of not more than 18 inches.
7. Emergency exits: A door, push-out window, or roof hatch used as an emergency exit shall conform to the following:
- a. On the inside and outside of a school bus, the words "EMERGENCY EXIT" shall be printed in black, unshaded letters at least 2 inches high above an emergency door or push-out window and at least 1 inch high on the roof hatch.
 - b. Each emergency exit shall open toward the exterior of the school bus and shall be labeled within 6 inches of the interior release mechanism with black lettering at least 3/8 of an inch high instructing how the exit is to be opened.
 - c. On a Type A school bus with double rear doors used as emergency exits, the rear doors shall be secured with upper, center, and lower latches to the door frame.
 - d. The upper portion of each door used as an emergency exit shall be equipped with a window made of safety glass with an area not less than 400 square inches. A door located in the rear end of the school bus used as an emergency exit shall also contain a lower window panel of safety glass of not less than 350 square inches. A Type A school bus that contains double rear doors used as emergency exits is exempt from this provision.
 - e. There shall be no steps on the outside of the school bus leading to an emergency exit.
 - f. A header pad filled with a material to protect against injury shall be attached to the top edge of the frame of the door used as an emergency exit. The header pad shall be a minimum of 3 inches wide and 1 inch thick and extend the full width of the door opening.
 - g. Each emergency exit shall be equipped with a latch that opens from the inside of the school bus and is connected to an electrical buzzer audible in the driver's compartment that actuates when the latch is being released.
 - h. If a lock is installed on an emergency exit, the lock shall be secured only by using a key and shall deactivate the ignition system of the school bus when locked.
8. Emergency equipment:
- a. All emergency equipment shall be mounted in the driver's compartment or adjacent to either side of the service entrance and shall be readily accessible. If the emergency equipment is mounted within a closed compartment, the compartment shall be clearly labeled as containing the emergency equipment.
 - b. Fire extinguisher:
 - i. A school bus shall be equipped with a minimum of 1 pressurized, dry, chemical fire extinguisher of a type rated not less than 2A-10-BC by the Underwriter's Laboratories, Inc., as described by the National Fire Protection Association, Publication 10, published in 1990 (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - ii. A pressure gauge shall be mounted on the fire extinguisher to be readable in its mounted position.
 - iii. The operating mechanism of the fire extinguisher shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher.
 - c. First-aid kit: A school bus shall be equipped with a removable first-aid kit that has a weatherproofing seal around the lid to prevent moisture or dust from entering the first-aid kit, is clearly labeled as a first-aid kit, and contains the following:
 - i. 2 - 1" x 2 1/2 yards adhesive tape rolls;
 - ii. 24 - Sterile gauze pads 3" x 3";
 - iii. 8 - 2" bandage compresses;
 - iv. 10 - 3" bandage compresses;
 - v. 2 - 2" x 6' sterile gauze roller bandages;
 - vi. 4 - Sterile triangular bandages approximately 40" x 36" x 54" with 2 safety pins;
 - vii. 3 - Sterile gauze pads 36" x 36";
 - viii. 3 - Sterile eye pads;
 - ix. 1 - Rounded-end scissors;
 - x. 1 - Pair latex gloves; and
 - xi. 1 - Mouth-to-mouth airway.
 - d. Body fluid clean-up kit: A school bus shall be equipped with a removable body fluid clean-up kit that is sealed, clearly labeled as a body fluid clean-up kit, and contains the following:
 - i. 1 - Pouch of solidifier with chlorine;
 - ii. 1 - Pickup scoop with scraper;
 - iii. 1 - Pair of latex gloves;
 - iv. 2 - Disinfectant hand wipes (antimicrobial);
 - v. 2 - Plastic disposal bags with ties (biohazard);
 - vi. 2 - Germicidal towelettes effective against human immunodeficiency virus and tuberculosis;
 - vii. 2 - Paper crepe towels; and
 - viii. 1 - Easy to follow instructions.
 - e. Warning devices: A school bus shall have a minimum of 3 reflective triangle road warning devices that comply with the standards set forth at 49 CFR 571.125, published in October 1994 (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
9. Floor:

- a. The floor beneath the seats, including the tops of the wheel housings and the floor in the driver's compartment, shall be covered with fire-resistant rubber floor covering having a minimum overall thickness of .125 inches.
 - b. The aisle floor shall be covered with a fire-resistant ribbed rubber floor covering with a minimum thickness of .187 inches measured from the tops of the ribs.
 - c. The rubber floor covering shall be bonded to the floor with an adhesive and shall not crack when subjected to changes in air temperature. The adhesive material shall be waterproof.
10. Heating system:
- a. Heaters shall be of the hot-water type.
 - b. A minimum of 1 heater shall be a fresh-air or combination fresh-air and recirculating type.
 - c. If more than 1 heater is used, additional heaters may be of recirculating air type.
 - d. The heating system shall be capable of maintaining a temperature throughout the bus of not less than 40° F. or 5° C.
 - e. Each heater shall bear a name plate that shows the heater rating in accordance with School Bus Manufacturers Institute Standard No. 001, no publication date (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State. The name plate with the heater rating shall constitute certification that the heater performance is as shown on the plate.
 - f. All heater hoses shall be secured in all areas of the school bus body and chassis to prevent wear due to vibration. Heater lines in the interior of the bus shall be covered by a protective shield to prevent scalding of the driver or passengers.
 - g. Except on Type A buses, the heater system shall include shutoff valves installed at the engine in the water pressure lines and return lines.
11. Identification:
- a. Only signs, lettering, and objects approved by state law or these rules and necessary for identification of the school bus shall appear on the interior or exterior of a school bus, including all glass areas.
 - b. Each school bus owned by a school or a private company shall display the name of the school and school number, if any, on each exterior side of the school bus between the rub rails at the center line and seat cushion levels in black unshaded letters that are 5 inches in height. Additionally, a school bus owned by a private company may display the company's name on each exterior side of the school bus below the floor line in black unshaded letters that are a maximum of 2 inches in height.
 - c. An identification number assigned to a school bus by an employer shall be placed on the front and rear bumpers of the school bus and on each exterior side of the school bus below the floor line rub rail and forward of the centerline of the school bus. The identification number on each bumper shall be painted National School Bus Yellow. The identification number on each exterior side shall be painted black. Each identification number shall be a minimum of 5 inches in height.
12. Interior: If the ceiling is constructed with overlapping panels, the 1st panel placed in the ceiling shall be overlapped by the following panel and each panel shall consecutively overlap to the rear end of the school bus. Exposed edges in the interior of the school bus shall be beaded, hemmed, flanged, or rounded to eliminate sharp edges.
13. Lamps and signals:
- a. All lamps on the exterior of the school bus shall conform to the provisions contained in 49 CFR 393.9 et seq. of the Federal Motor Carrier Safety Regulations, published October 1994, (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - b. Interior lamps shall be provided that illuminate the center aisle and step well.
 - c. Alternately flashing signal lamps:
 - i. When a school bus is equipped with a 4-lamp system, the system shall consist of 2 red alternately flashing signal lamps located 1 on the left and 1 on the right above the rear windows of the school bus and 2 red alternately flashing signal lamps located 1 on the left and 1 on the right above the windshield.
 - ii. When a school bus is equipped with an 8-lamp system, the 4 red alternately flashing signal lamps shall be installed as described in subsection (13)(c)(i) and the 4 amber alternately flashing signal lamps shall be installed as follows: 1 amber alternately flashing signal lamp shall be located adjacent to each red alternately flashing signal lamp, at the same level, but closer to the vertical centerline of the school bus. The system of red and amber alternately flashing signal lamps shall be wired so the amber alternately flashing signal lamps are activated manually and the red alternately flashing signal lamps are activated automatically or manually.
 - iii. The area around the lens of each alternately flashing signal lamp, and extending outward for 3 inches, shall be painted black.
 - d. Turn signal and stop lamps:
 - i. Except on Type A school buses, a school bus body shall be equipped with rear turn signal lamps that are at least 7 inches in diameter. The lens area of the rear turn signal lamps on Type A school buses shall be at least 21 square inches. The rear turn signal lamps shall be connected to the hazard warning switch located in the driver's compartment to allow the school bus driver to activate simultaneous flashing of turn signal lamps when needed as a traffic hazard warning. The rear turn signal lamps shall be located to the far left and right sides of the flat surface of the rear of the school bus body and below the rear window.
 - ii. A Type C school bus shall have a double-faced turn signal lamp that is visible from the front and rear of the school bus and mounted on the tops or sides of the front fenders and may have a turn signal lamp mounted on the left and right sides of the grill.
 - iii. A Type D school bus shall have a turn signal lamp mounted at the front of the school bus body above each head lamp and may have a turn signal lamp mounted on each side of the school bus body between the window line and

- second rub rails and forward of the vertical centerline of the school bus.
- iv. A 7-inch diameter stop lamp shall be located toward the centerline and adjacent to each of the rear turn signal lamps.
 - e. Backup lamps: A school bus shall be equipped with 2 backup lamps with clear lenses, located 1 on the right and 1 on the left rear panels below the rear windows.
 - f. White flashing strobe lamp: If used on a school bus, a strobe lamp shall have a single clear lens that emits light 360 degrees around its vertical axis and shall be located on the longitudinal centerline of the school bus roof $\frac{1}{3}$ to $\frac{1}{2}$ of the distance forward from the rear of the school bus body unless this placement restricts the view of the strobe lamp.
 - i. If the view of the strobe lamp is restricted when the strobe lamp is located $\frac{1}{3}$ to $\frac{1}{2}$ of the distance forward from the rear of the school bus body, the strobe lamp may be mounted immediately to the rear of the roof hatch.
 - ii. The strobe lamp shall be controlled by a manual switch located in the driver's compartment.
 - iii. A pilot lamp shall be located in the driver's compartment to show the school bus driver that the strobe lamp has been activated.
14. Mirrors:
- a. Interior mirror: The interior mirror shall be made of either laminated glass or glass bonded to a backing that will retain the glass in the event of breakage. The interior mirror in Types B, C, and D school buses shall be a minimum of 6 inches in height and 30 inches in length surrounded by a frame with rounded corners. The interior mirror in Type A buses shall be a minimum of 6 inches in height and 16 inches in length.
 - b. Exterior mirrors: A school bus shall comply with the requirements contained in 49 CFR 571.111, as amended October 1994, (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
15. Overall length: The overall length of a school bus shall not exceed 40 feet excluding mirrors.
16. Overall width: The overall width of a school bus shall not exceed 102 inches excluding mirrors.
17. Rear bumper:
- a. The rear bumper shall be made of a minimum of 3/16 inch thick pressed steel that is a minimum of 8 inches in total height.
 - b. The bumper shall be wrapped around the back corners of the bus and shall extend toward the front of the school bus for at least 12 inches as measured from the rear-most point of the school bus body at the floor line.
 - c. The bumper shall be attached to the chassis frame and braced to support the rear corners of the bumper.
 - d. The bumper shall extend at least 1 inch beyond the rear-most part of the school bus body as measured at the floor line.
 - e. The bumper shall not be equipped with footholds or handles.
 - f. A Type A bus equipped with the chassis manufacturer's rear bumper is exempt from subsections (17)(a) through (c).
18. Restraining barrier:
- a. The restraining barrier shall be a minimum of 38 inches high as measured from the interior floor of the school bus to the top of the restraining barrier.
 - b. The restraining barrier shall be the same width as the seat directly behind the restraining barrier.
19. Rub rails:
- a. There shall be no less than 2 rub rails located on the school bus as follows:
 - i. One rub rail shall be located on each side of the school bus approximately at seat cushion level and shall extend from the rear post of the service door frame completely around the school bus body, excluding the emergency door, to the front post of the school bus driver's window.
 - ii. One rub rail shall be located on each side of the school bus approximately at the floor line and shall extend from the rear post of the service door frame to the rear corner post of the school bus body and from the front post of the school bus driver's window to the rear corner post on the driver's side.
 - b. Rub rails are not required on emergency doors, special-service entrance door, access panels and compartment doors, and wheel well openings.
 - c. Each rub rail shall be attached on the outside of the school bus body at each structural post in the school bus body.
 - d. Each rub rail shall be a minimum of 4 inches in width and shall be constructed of corrugated or ribbed 16-gauge steel.
20. Seat belt for school bus driver: A seat belt for the school bus driver shall be installed in the driver's compartment. The seat belt shall be equipped with a retractor on each side of the school bus driver's seat to keep the seat belt retracted and off the floor when not in use.
21. Seats:
- a. Each seat shall have a minimum depth of 15 inches measured from the front of the seat cushion to the seat back.
 - b. Each seat shall be a minimum of 38 inches in height as measured from the interior floor of the school bus to the top of the back seat cushion.
 - c. The distance between seats for the legs of passengers shall be 9" to 14" as measured from the center back at seat cushion level of the 1st seat to the center front of the seat cushion of the seat immediately behind the 1st seat.
 - d. The school bus driver's seat shall be adjustable, without the use of tools, both vertically and horizontally for a minimum of 4 inches. Seats with vertical adjustments are not required on Types A and B buses.
22. Service door:
- a. The service door shall be located on the right side of the school bus opposite the school bus driver and within direct view of the school bus driver when seated in the school bus driver's seat.
 - b. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. Type A school buses shall have a service door with a minimum opening of 1200 square inches.
 - c. Windows in the upper and lower panels of the service door shall be made of safety glass. The bottom of each lower window panel shall be no more than 10 inches from the top surface of the lower step of

- the service entrance. The top of each upper window panel shall be no more than 6 inches below the top of the service door. Type A buses are exempt from this provision.
- d. To protect passengers' fingers, a flexible rubber material shall be attached by number 10 3/4 inch metal screws to the opening and closing edges of the service door. Type A buses are exempt from this provision.
 - e. A door shall not be placed on the school bus driver's side of the school bus. Types A and B buses are exempt from this provision.
 - f. A header pad, filled with a material to protect against injury, shall be attached to the top edge of the frame of the service door. The header pad shall be at least 3 inches wide and 1 inch thick and extend the full width of the service door opening.
23. Steps:
- a. The risers of the steps in the service door entrance shall be equal. When plywood is laid over the steel floor of the school bus, the height of the top step may be increased by the thickness of the plywood.
 - b. The 1st step at the service door shall be no less than 10 inches and no more than 16 inches from the ground.
 - c. Steps shall be enclosed in the school bus body.
 - d. Steps shall not extend beyond the side of the school bus body.
 - e. A grab handle not less than 10 inches in length shall be provided inside the doorway.
 - f. A Type A school bus with the chassis manufacturer's standard entrance door is exempt from subsections (23)(a) through (d).
24. Step treads:
- a. All steps, including the floor line platform area, shall be covered with 3/16 inch ribbed rubber floor covering that is mounted on a metal plate.
 - b. The metal back of the tread shall be a minimum 24-gauge cold rolled steel and shall be permanently bonded to the ribbed rubber. The ribbed design shall run from the risers toward the service entrance door opening.
 - c. The 3/16 inch ribbed tread shall have a 1 1/2 inch white nosing.
25. Stirrup steps: There shall be a handle and at least 1 folding stirrup step or recessed foothold located on each side of the front of the school bus for accessibility for cleaning the windshield and lamps. Type A school buses are exempt from this provision.
26. Stop signal arm:
- a. A stop signal arm that extends 90 degrees from the school bus body when opened shall be installed on the left side of the school bus body.
 - b. The stop signal arm shall be an 18-inch octagon, constructed of a red material that reflects light, with the word "STOP" printed on both sides in white letters not less than 5 inches high.
27. Sun shield: An interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed over the windshield in the driver's compartment. School buses with a gross vehicle weight rating of 10,000 pounds or less are exempt from this provision.
28. Tailpipe: If a rear exhaust is installed, the tailpipe shall extend to, but not more than 2 inches beyond, the outer edge of the rear bumper. If a side exhaust is installed, the tailpipe shall terminate flush with the outside edge of the school bus body in the rear half of the school bus.
29. Undercoating:
- a. The entire underside of the school bus body, including floor sections, cross members, and side panels, shall be coated according to the specifications contained in Federal Specification TT-C-520B, published February 2, 1973 (and no future amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - b. Undercoating is not required on the underside of fiberglass fenders.
30. Ventilation: An immovable, non-closing exhaust ventilator shall be installed in the school bus roof.
31. Wheel housing:
- a. The wheel-housing opening shall be large enough to allow for the removal of the tire and wheel.
 - b. The wheel housing shall be constructed of 16-gauge steel or fiberglass of equal strength and sealed to the school bus floor.
 - c. The wheel housing shall not extend more than 12 inches above the floor inside the school bus body and shall not extend into the emergency door opening.
 - d. The wheel housing shall provide clearance for tire chains installed on the tires of the driving wheels.
32. Windows: Each side window in the passenger compartment of the school bus body shall provide an unobstructed opening of at least 190 square inches when the window is open.
33. Windshield: The windshield shall have a tinted horizontal gradient band starting above the line of driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Type D school buses are exempt from this provision.
34. Windshield washers: A windshield washer system that provides an application of cleaning solution to the windshield shall be installed.
35. Windshield wipers:
- a. A windshield wiping system with a minimum of 2 speeds shall be provided.
 - b. The windshield wipers shall be operated by 1 or more air or electric motors.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

R17-9-108. Inspection, Maintenance, and Alterations

- A. A school bus shall be inspected by the Department before the school bus is introduced into Arizona to transport passengers:
1. After inspecting a school bus, the Department shall place a decal that contains a number used by the Department to identify the school bus above the school bus driver's side window in the driver's compartment. This decal shall not be removed from the school bus while it is operated in Arizona.
 2. If the Department finds that no defect exists or that a minor but no major defect exists on the school bus, the Department shall place a safety inspection decal, which contains the month and year of inspection, on the lower corner of the windshield opposite the school bus driver's side of the school bus or on the window nearest that location on the school bus.
 3. If the Department finds a major defect on the school bus, the Department shall place the school bus out of service. Before the school bus may be placed back into service,

the Department shall reinspect the school bus to determine that the major defect has been corrected. If the major defect has been corrected, the Department shall place a safety inspection decal on the school bus in accordance with subsection (A)(2).

4. If the Department finds a minor defect on a school bus, the school bus may be operated to transport passengers while the minor defect is being corrected. A copy of the inspection order issued by the Department shall be returned to the Department within 15 working days from the date of inspection and shall show that the minor defect has been corrected unless, in accordance with the provisions of subsection (A)(5), the employer has obtained an extension of time to correct the minor defect.
5. Upon receipt of a written request from the employer, the Department shall grant 1 or more extensions of time to correct a minor defect if:
 - a. The employer submits to the Department written documentation that the:
 - i. Employer's action or inaction did not cause or contribute to the delay in completing the repair;
 - ii. Employer has secured a written estimated expedited delivery or completion date from the provider of the materials or services required to complete the repair; and
 - iii. Employer made reasonable attempts to secure the materials or services, or materials or services of equivalent quality, at a substantially similar price from alternate sources; and

- b. The Department determines that an extension of time to correct the minor defect will not increase the probability of an accident involving the school bus or passengers or the risk of injury to the school bus driver or passengers.

6. Each extension of time shall be for 60 calendar days or less. The Department shall determine the length of each extension of time after giving consideration to the information provided pursuant to subsection (A)(5)(a). When the minor defect has been corrected, the employer shall return a copy of the inspection order issued by the Department.
7. If a minor defect on a school bus is not corrected within 15 working days or at the end of an extension period, if applicable, the Department shall remove the safety inspection decal and the school bus shall be placed out of service until further inspection by the Department shows that the minor defect has been corrected.

- B. The Department shall use the following criteria to determine whether a major or minor defect is present on a school bus introduced into Arizona on or after the effective date of these rules. For a school bus introduced into Arizona before the effective date of these rules, the Department shall determine whether the school bus is in an unsafe condition by using the following criteria or those set forth at R17-4-612(F)(3). The defect that causes a school bus introduced into Arizona before the effective date of these rules to be in an unsafe condition shall be deemed a major defect as defined in this Article.

INSPECTION ITEM

Auxiliary fan, if installed

Battery
(Types C and D buses only)

Body fluid clean-up kit

Brakes, service, compressed air

MAJOR DEFECT

Obstructs school bus driver's view of any mirror

Used in place of defrosting or defogging system

Not covered by protective cage

Not mounted according to the manufacturer's instructions

Absence of body fluid clean-up kit

Three or more items missing from body fluid clean-up kit

Inoperative visual or audible low air signal

Grease or oil leakage into brake system

Exposed or damaged ply on any air hose

Air capacity less than 90 pounds per square inch at idle speed

Leaking, cracked, or broken hose or connection

Audible air leak

Pushrod needs adjustment

MINOR DEFECT

Incorrect size

Not controlled by independent switch

Incorrect or no identification

One or 2 items missing from body fluid clean-up kit

<u>INSPECTION ITEM</u>	<u>MAJOR DEFECT</u>	<u>MINOR DEFECT</u>
Brakes, vacuum-assisted	Vacuum gauge missing Inoperative visual or audible low-vacuum signal Vacuum reservoir missing Vacuum system leak Grease or oil leakage into brake system Leaking, cracked, or broken hose or connection	
Brakes, hydraulic-assisted	Inoperative visual or audible signal	
Brakes, emergency-brake system	Does not activate when service brake system reaches 20 to 45 pounds per square inch	
Bumpers	Break or rip Loose bumper Foothold or handle present on rear bumper	Not painted black
Cooling system		Leak in system Fluid level in radiator not full
Defroster	Inoperative Ventilation opening blocked	
Drive shaft	Absence of protective metal guard around the drive shaft to the rear driving axle	
Dust boots	Missing, torn, split, or loose around floor-mounted gear shift, parking brake handle, or steering column	
Emergency reflectors	Missing more than 1	Missing 1
Emergency door	Inoperative latch Broken or missing portion of seal around door Window not of safety glass Inoperative warning device No ignition shut-off lock	No header pad
Emergency exit	Inoperative warning device or latch Broken seal around window	
Engine compartment	Inoperative hood latch	Deterioration of hose, belt, or wiring Deterioration of battery hold-down clamp, corrosive acid buildup on terminal
Exhaust	Tailpipe terminates beneath the passenger compartment Exhaust leak	Exhaust tailpipe extends more than 2 inches beyond the outer edge of the rear bumper or fails to terminate flush with the outside edge of the school bus body in the rear half of the school bus Exhaust pipe bracket not attached to the chassis and the tailpipe End of tailpipe pinched or bent Exposed metal or base primer Incorrect color
Exterior paint		Not mounted in required position
Fire extinguisher	Absence of fire extinguisher Not at full charge	

Department of Administration - School Buses

INSPECTION ITEM**MAJOR DEFECT****MINOR DEFECT**

First-aid kit	Absence of first-aid kit	One or 2 items missing from first-aid kit
	Three or more items missing from first-aid kit	
Frame	Crack in frame	
	Welded repair not performed by body or chassis manufacturer or manufacturer's certified agent	
Fuel system	Fuel tank not mounted to the chassis frame or not vented to outside of engine compartment	
	Fuel system extends above chassis frame (does not apply to filler tube)	
	Fuel tank bracket cracked or broken	
	Leaking tank or fuel line	
	Fuel line attached to bottom of fuel tank	
Heating system	Heater line in interior of school bus not covered by protective shield	Unsecured heater hose
	No shutoff valve	
Instrument panel	Missing or inoperative ignition power-deactivation switch if the ignition does not use a key	Inoperative gauge or switch
Interior, aisles	Incorrect clearance	
Interior, Seats	Broken, cracked, or loose seat frame	Seat padding missing
	Screw or mounting bolt missing	
Interior, floor covering	Hole	Not ribbed
		Incorrect thickness
Lamps, clearance		Inoperative
		Incorrect color
		Cracked, broken, or missing lens
		Dust behind lens
Lamps, head	Low beam inoperative	High beam inoperative
	Not mounted as required by 49 CFR 393.24	Inoperative dimmer switch on a bus not operated when head lamps are required
Lamps, back-up		Inoperative
		Incorrect color
		Cracked, broken, or missing lens
		Dust behind lens
Lamps, interior		
Over aisle		Inoperative
		Missing lens
Over step-well	Inoperative	Missing lens
Lamps, turn signal	Inoperative	Cracked, broken, or missing lens
		Dust behind lens
		Incorrect size
		Incorrect location
Lamps, strobe, if installed		Inoperative
		Incorrect color
		Incorrect location

<u>INSPECTION ITEM</u>	<u>MAJOR DEFECT</u>	<u>MINOR DEFECT</u>
Lamps, identification		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, Hazard	Inoperative	
Lamps, stop	Both inoperative	One inoperative Cracked, broken, or missing lens Dust behind lens
Lamps, tail	Both inoperative	One inoperative Cracked, broken, or missing lens Dust behind lens
Lamps, side marker		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, alternately flashing	One or more inoperative lamps	Incorrect color Cracked, broken, or missing lens Dust behind lens
Lettering and numbering		Missing any lettering or numbering Incorrect size, color, or location Unauthorized sign, letter, or object
Mirrors, cross-view	Missing Broken or loose mounting Broken or clouded glass	
Mirrors	Interior or exterior mirror missing Loose or broken mounting Crack, break, or flaking of reflective material affixed to back of mirror glass Crack or break of mirror glass Loose or missing mounting bracket bolt or screw	Incorrect size
Miscellaneous	Object not secured inside the school bus	Any item noted by the Department that needs to be repaired because it could interfere with the safe operation of the school bus but that is not a major defect
	Any item noted by the Department that could cause injury or present a danger to a passenger or school bus driver	
Parking brake	Inoperative, missing part, or not in proper adjustment	
Rub rails	Missing more than 1	Missing 1 Incorrect location Incorrect color Incorrect width
School bus body	Damage resulting in cut or rip to the exterior of school bus body	Absence of undercoating Loose or missing rivet, screw, or bolt
	Hole that would allow exhaust gases or dust to enter the passenger compartment	
	Bolt attaching body to chassis loose, broken, or missing	
Seat belt	Absence of driver seat belt or inoperative driver seat-belt buckle or retraction system	Frayed seat belt material

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<u>INSPECTION ITEM</u>	<u>MAJOR DEFECT</u>	<u>MINOR DEFECT</u>
Service door	Incomplete closing of door assembly Does not contain safeguards to prevent accidental opening Window not made of safety glass Broken or cracked window panel Inoperative door control	Absence of flexible material on outer edge of service door Absence of heater pad
Special needs	Incorrect location or size of special-service entrance Incorrect size of special-service entrance door Inoperative pressure switch No safety device in wheelchair lift No restraining barrier on wheelchair-lift platform Fails to provide wheelchair-securement anchorage Fails to provide wheelchair-securement device Dome light missing or inoperative	Drip molding not installed above the special-service entrance Special-service entrance door not weather-sealed Incorrect color of door material or panel Lacks wheelchair emblem
Splash guards		Bottom edge of guard is more than 8 inches above the ground Does not cover entire width of single or dual tire Missing splash guard Leakage of lubricant
Steering	Distance of movement not within parameters of R17-9-106(21)(c) Steering wheel does not move freely when turning the wheel Steering column not in a fixed position or locking mechanism missing or inoperative on adjustable steering column Steering column mounting bracket cracked or missing Loose or missing mounting bolt in steering gear housing Loose connecting arm on steering gear power source	Power-steering belt cracked, frayed, or slipping Fluid does not fill power steering reservoir to the full level on the dipstick
Steps	Loose or missing grab handle in step-well	Incorrect distance between steps Incorrect floor covering
Stop signal arm	Inoperative Missing stop arm	Incorrect lettering on arm Incorrect size of stop arm
Sun shield		Broken, cracked, or missing above the windshield
Suspension	Broken or damaged suspension part U-bolt loose or missing	Leaking shock absorber Crack or break in shock absorber mounting bracket
Tires	Tires or same axle not of the same size Combination of bias and radial tires Tires vary more than 1 size between axles Regrooved, recapped, or retreaded tire mounted on a front wheel Tread groove depth less than 4/32 of an inch, measured in a tread groove on a tire on a front wheel	

<u>INSPECTION ITEM</u>	<u>MAJOR DEFECT</u>	<u>MINOR DEFECT</u>
Tires (Cont'd)	Tread groove depth than 2/32 of an inch, measured in a tread groove on a tire on a rear wheel Bump, knot, or bulge present on any tire Separation of tread from tire casing Exposed ply or belting on any tire Flat tire on any wheel	
Wheel housing	Incorrect size of wheel housing or opening	
Wheels	Loose or missing lug nut Broken lug bolt Crack or welded repair in wheel assembly	
Windshield	Placement or nontransparent material	No gradient windshield band (Not required on Type D buses)
	Crack, chip, or pitting that interferes with the school bus driver's vision	
Windows	Not of safety glass Cracked or broken Placement on nontransparent material	Inoperative latch
Windshield wipers	Inoperative wiper on school bus driver's side	Inoperative wiper on side opposite the school bus driver Inoperative speed control Split or hardened wiper blade
Wiring	Incorrect color or number coding Wiring circuit not protected by fuse or circuit breaker	
<p>C. A school bus shall be inspected every 12 months from the month and year stated on the safety inspection decal pursuant to a schedule established by the Department and according to the standards contained in subsections (A) and (B) and this subsection.</p> <p>1. If the Department finds a major defect, the Department shall remove the current safety inspection decal and replace with a new safety inspection decal only after the major defect has been repaired.</p> <p>2. If the Department finds a minor defect, the Department shall remove the current safety inspection decal and allow the employer to make repairs in accordance with the provisions set forth at R17-9-108 (A)(4) through (7).</p> <p>D. A school bus driver shall conduct the following operations checks of a school bus:</p> <p>1. Before a school bus is operated for the 1st time each day, the school bus driver operating the school bus shall conduct a pre-trip operations check of the school bus to determine that the following are operational and are not damaged:</p> <p>a. All lamps, including alternately flashing, back-up, clearance, hazard, head, identification, interior, side marker, stop, tail, turn signal, and strobe lamps, if any, and reflectors;</p> <p>b. Tires, wheels, and wheel fasteners;</p> <p>c. Service door;</p> <p>d. Steps and step wells;</p> <p>e. Emergency exits and signals;</p> <p>f. Emergency doors and signals;</p> <p>g. Wheelchair lift and wheelchair lift dome lamp;</p> <p>h. Wheelchair-securement devices;</p> <p>i. Wheelchair-securement anchorages;</p> <p>j. Special-service entrance door;</p> <p>k. Special-service entrance door signal;</p> <p>l. Windows;</p> <p>m. Windshield;</p> <p>n. Windshield wipers;</p> <p>o. Instrument panel and gauges;</p> <p>p. Service brakes;</p> <p>q. Service brake warning devices;</p> <p>r. Parking brake;</p> <p>s. Bumpers;</p> <p>t. Seats and seat frames;</p> <p>u. Floor coverings;</p> <p>v. School bus body;</p> <p>w. Engine fluid levels;</p> <p>x. Engine compartment steering components; and</p> <p>y. Engine fluid gauges.</p> <p>2. Each time a pre-trip operations check of a school bus is conducted, the school bus driver shall check all emergency equipment to determine that the emergency equipment complies with the standards set forth in R17-9-107(8).</p> <p>3. Each time a school bus is operated subsequent to the 1st time the school bus is operated each day, the school bus driver operating the school bus shall conduct a walk-around operations check to determine whether the following are operational and are not damaged:</p> <p>a. All lamps listed in subsection (D)(1)(a);</p> <p>b. Tires, wheels, and wheel fasteners;</p> <p>c. Bumpers;</p> <p>d. School bus body;</p> <p>e. Windows;</p> <p>f. Windshield; and</p> <p>g. Engine fluid leaks.</p>		

4. After a school bus makes its final trip on each day, the school bus driver shall sweep and clean the interior of the school bus.
 5. After completing each operations check, the school bus driver shall complete the portions of a written monthly operations check report that provide the following information for the operations check:
 - a. Date and time of the operations check;
 - b. Name of the school bus driver conducting the operations check;
 - c. Name of the employer;
 - d. Number assigned to the school bus by the employer and painted on the outside of the school bus body; and
 - e. Indication of whether an item is operational, inoperative, or damaged.
 6. A school bus driver who performs an operations check and finds any item listed in subsections (D)(1) through (3) is inoperative or damaged shall immediately complete and submit a written repair order to the employer.
 - a. The employer shall use the standards contained in subsection (B) to determine whether an item reported by the school bus driver on a repair order as inoperative or damaged is a major or minor defect.
 - b. If the employer finds that a major defect exists, the employer shall place the school bus out of service until the major defect is repaired.
 - c. If the employer finds that a minor defect exists, the school bus may be used to transport passengers, but the employer shall repair the defect in accordance with the provisions set forth at R17-9-108(A)(4) through (7). Time in which to make the minor repair shall be calculated from the date of the written repair order.
 7. After a school bus makes its final trip on the last day the school bus is driven in a particular month the school bus driver operating the school bus shall submit the written monthly operations check report to the employer.
- E.** In addition to the operations checks described in subsection (D), an employer shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all parts of a school bus chassis and body described in R17-9-106 and R17-9-107 and any other parts and accessories that may effect safe operation of the school bus.
- F.** Records
1. An employer shall maintain the following records in a separate file for each school bus for as long as the school bus is in operation in Arizona:
 - a. Number assigned to the school bus by the employer;
 - b. Name of the school bus body manufacturer;
 - c. Name of the school bus chassis manufacturer;
 - d. Identification number of the school bus located in the driver's compartment;
 - e. Year the school bus body was assembled upon the school bus chassis;
 - f. Size of the tires placed on the school bus; and
 - g. Name of the owner of the school bus, if other than the employer.
 2. An employer shall maintain all records of initial inspection, subsequent inspections, and repairs and maintenance procedures performed on the school bus for 3 years from the date of inspection, repair, or maintenance.
 3. If a school bus is sold, the owner shall transfer the records required by subsections (F)(1) and (2) to the purchaser.
4. An employer shall maintain monthly operations check reports for 3 years from the date of the report.
- G.** Alterations
1. Before an employer alters a school bus, the employer shall submit a request in writing to the Department describing the proposed alteration and the reason for the proposal.
 2. Within 60 days of receiving a request for alteration, the Department shall inform the employer in writing whether the request has been approved or denied. The Department shall base its decision to approve or deny on an assessment of whether the proposed alteration affects the operations of a school bus, complies with the statutes and rules applicable to school buses, or affects the health, safety, or welfare of any individual.
- Historical Note**
Adopted effective February 16, 1996 (Supp. 96-1).
- R17-9-109. Time-frames for Making Certification Determinations**
- A.** For certification as a school bus driver, classroom instructor, or behind-the wheel instructor, the time-frames required by A.R.S. § 41-1072 et seq. are:
- | | |
|---|---------|
| 1. Overall time-frame: | 60 days |
| 2. Administrative completeness review time-frame: | 45 days |
| 3. Substantive review time-frame: | 15 days |
- B.** An administratively complete application for certification consists of all the information and documents listed in:
1. R17-9-102(A) for a school bus driver,
 2. R17-9-103(A) for a classroom instructor, and
 3. R17-9-103(D) for a behind-the-wheel instructor.
- C.** An administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Department receives an application.
1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
 2. Within 120 days from the postmark date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the postmark date of the deficiency notice until the date the Department receives the missing documents and information.
 3. If the applicant fails to provide the missing documents and information within the time provided, the Department shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 or R17-9-103.
 4. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.
- D.** A substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the postmark date of the notice of administrative completeness.
1. During the substantive review time-frame, the Department may make 1 comprehensive written request for additional information.
 2. The applicant shall submit to the Department the additional information identified in the request for additional information within 20 days from the postmark date of the request for additional information. The time-frame for the

Department to finish the substantive review of the application is suspended from the postmark date of the request for additional information until the Department receives the additional information.

3. Unless an applicant requests that the Department deny certification within the 20-day period in subsection (D)(2), the Department shall close the file of an applicant who fails to submit the additional information within the 20 days provided. An applicant whose file is closed and who wants to be certified shall apply again under R17-9-102 or R17-9-103.
4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to certify the applicant.

- a. The Department shall deny certification if it determines that the applicant does not meet all substantive criteria for certification required by statute and rule. An applicant who is denied certification may appeal the Department's decision under A.R.S. § 41-1092 et seq. and any rules adopted under A.R.S. § 41-1092.01(C)(4).
- b. The Department shall grant certification if it determines that the applicant meets all substantive criteria for certification required by statute and rule.

Historical Note

New Section R17-9-109 adopted by final rulemaking at 5 A.A.R. 384, effective January 5, 1999 (Supp. 99-1).

EXHIBIT A: Physical Examination Form**PHYSICAL EXAMINATION FORM**

To Be Filled In By Examining Health Care Professional (Please Print): Date of Examination _____

Applicant or School Bus Driver's Name _____ Address _____

Soc. Sec. No. _____ Date of Birth _____ Age _____

Health History:

Yes	No	Yes	No	Yes	No
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•

If answer to any of the above is yes, explain: _____

General appearance and development: Good _____ Fair _____ Poor _____**Vision:** For distance: Right 20/____ Left 20/____ Both _____ • Without corrective lenses • With corrective lenses, if worn

Evidence of disease or injury: Right _____ Left _____

Color test _____ Horizontal field of vision: Right _____ Left _____

Hearing: Right ear _____ Left ear _____

Disease or injury _____

Audiometric test: (if used) Decibel loss at 500 Hz _____ 1,000 Hz _____ 2,000 Hz _____**Throat:** _____**Thorax:** Heart _____

If organic disease is present, is it fully compensated? _____

Blood pressure: _____ Systolic _____ Diastolic _____

Pulse: Before exercise _____ Immediately after exercise _____

Lungs: _____

Abdomen: Scars _____ Abnormal masses _____ Tenderness _____ Hernia: Yes ____ No ____

If so, where? _____ Is truss worn? _____

Gastrointestinal: Ulceration or other diseases: Yes _____ No _____**Genito-Urinary:** Scars _____ Urethral discharge _____**Reflexes:** Romberg _____

Pupillary _____ Light: R _____ L _____

Accommodation: Right _____ Left _____

Knee jerks: Right: Normal _____ Increased _____ Absent _____

Left: Normal _____ Increased _____ Absent _____

Remarks: _____

Extremities: Upper _____ Lower _____ Spine _____**Laboratory and Urine:** Specific Gravity _____ Alb. _____ Sugar _____**Other Special:** Other Laboratory Data (Serology, etc.) _____**Findings:** Radiological Data _____ Electrocardiograph _____**General Comments:** _____**HEALTH CARE PROFESSIONAL'S CERTIFICATE TO BE COMPLETED ONLY IF APPLICANT OR SCHOOL BUS DRIVER IS FOUND QUALIFIED**

<p>Health Care Professional's Certificate I certify that I have examined</p> <p>Applicant or School Bus Driver's name (Print) _____</p> <p>In accordance with the duties and generally accepted standards of a health care professional, I find the examinee: (Check as appropriate)</p> <ul style="list-style-type: none"> • Qualified • Qualified only when wearing corrective lenses • Qualified only when wearing a hearing aid <p>A completed examination form of this applicant/school bus driver is on file in my office at _____</p> <p>Address _____</p> <p>Name and title of examining health care professional (print) _____</p> <p>Signature of examining health care professional _____</p> <p>Signature of applicant or school bus driver _____</p>	<p>The following will be completed only when the visual test is conducted by a licensed ophthalmologist or optometrist.</p> <p>I have examined the vision of the applicant/driver and ____ concur ____ do not concur that the applicant/driver must wear corrective lenses when driving.</p> <p>Date of Examination _____</p> <p>Name of Ophthalmologist or Optometrist (Print) _____</p> <p>Address of Ophthalmologist or Optometrist _____</p> <p>Signature of Ophthalmologist or Optometrist _____</p> <p>INSTRUCTIONS ON REVERSE SIDE</p> <p>DPS 802-04093 REV. 4/95</p>
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INSTRUCTION FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS

The examining health care professional shall review these instructions before performing the physical examination and provide the required information.

The examining health care professional should be aware of the rigorous physical demands and mental and emotional responsibilities placed on a school bus driver. In the interest of public safety, the examining health care professional is required to certify that the examinee does not have any physical, mental, or organic condition of such a nature as to affect the ability to operate a school bus safely.

General Information. The purpose of this history and physical examination is to detect the presence of physical, mental or organic conditions of such a character and extent as to affect the examinee's ability to operate a school bus safely. The examination should be made carefully and at least as completely as indicated on the physical examination form. History of certain conditions may be cause for rejection or indicate the need to make certain laboratory tests or a further, and more stringent, examination. Conditions may be recorded which do not, because of their character or degree, indicate the certification of physical fitness should be denied. However, these conditions should be discussed with the examinee, and the examinee should be advised to take the necessary steps to ensure correction, particularly of those conditions which, if neglected, might lead to a condition likely to affect the ability to drive safely.

HISTORY - IDENTIFY WHETHER AN EXAMINEE:

- (1) Has loss of a foot, a leg, a hand, or an arm, which is likely to interfere with the ability to control and operate a school bus safely.
- (2) Has impairment of:
 - (i) A hand or finger that interferes with prehension or power grasping; or
 - (ii) An arm, foot, or leg that interferes with the ability to perform normal tasks associated with controlling and operating a school bus; or any other significant limb condition or limitation that interferes with the ability to perform normal tasks associated with controlling and operating a school bus;
- (3) Has an established medical history or clinical diagnosis of diabetes mellitus, currently requiring insulin for control, likely to interfere with the ability to control and operate a school bus safely;
- (4) Has a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular condition of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;
- (5) Has an established medical history or clinical diagnosis of a respiratory condition likely to interfere with the ability to control and operate a school bus safely;
- (6) Has a current clinical diagnosis of high blood pressure likely to interfere with the ability to control and operate a school bus safely;
- (7) Has an established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular condition likely to interfere with the ability to control and operate a school bus safely;
- (8) Has an established medical history or clinical diagnosis of epilepsy or any other condition that is likely to cause loss of consciousness or any loss of ability to control and operate a school bus safely; and
- (9) Has a mental, nervous, organic or func-

tional condition or psychiatric condition likely to interfere with the ability to control and operate a school bus safely.

General appearance and development. Note marked overweight. Note posture conditions, limps, tremors, or other conditions that might be caused by alcoholism, thyroid intoxication, or other illnesses.

Head-eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the examinee wears corrective lenses, these should be worn while the examinee's visual acuity is being tested. In recording distance vision, use 20 feet as normal. Report all vision as a fraction with 20 as the numerator and the smallest type read at 20 feet as denominator. Note Ptois, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses.

Distant visual acuity must be at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses; distant binocular acuity must be at least 20/40 (Snellen) in both eyes with or without corrective lenses; field of vision must be at least 70° in the horizontal meridian in each eye; and examinee must have the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

If examinee habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that the examinee has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aura vertigo, or Meniere's Syndrome. When recording hearing, record distance from examinee at which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

A forced whispered voice must first be perceived in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, average hearing loss in the better ear must not be greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5n (1951).

Throat. Note evidence of disease, irreparable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition likely to interfere with the ability to control and operate a school bus safely.

Thorax-heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, or a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failure. Electrocardiogram is required when the examining health care professional, in the exercise of professional judgment, determines one is needed.

Blood pressure. Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 16-/90 mm. Hg., further tests may be necessary to determine whether the examinee is qualified to operate a school bus.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, state how long it has been quiescent.

Abdomen. Note wounds, injuries, scars, or weakness of muscles of abdominal walls that inter-

fere with normal function. Note any hernia present. State how long and if adequately contained by truss.

Abnormal masses. If present, note location, if tender, and whether examinee knows how long they have been present. If the diagnosis suggests that the condition is likely to interfere with the ability to control and operate a school bus safely, conduct more stringent tests.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition is likely to interfere with the ability to control and operate a school bus safely, conduct more stringent tests.

Gastrointestinal system. Note any diseases of the gastrointestinal system.

Genito-urinary. Urinalysis is required. Acute infections of the genito-urinary tract (as defined by local and state public health laws), indications from urinalysis of uncontrolled diabetes, symptomatic albumin-urea or other findings indicative of health conditions likely to interfere with the ability to control and operate a school bus safely, will disqualify an examinee from operating a school bus.

Neurological. If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella, sensory, vibratory and positional abnormalities should be noted.

Extremities. Carefully examine upper and lower extremities. Record the loss or impairment of leg, foot, toe, arm, hand, or finger. Note any and all deformities, the presence of atrophy, semi-paralysis or paralysis or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the examinee to secure and maintain a grip on the steering wheel. If a leg, foot, or toe deformity exists, determine whether mobility and strength exist to enable the examinee to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural condition that is likely to interfere with the examinee's ability to control and operate a school bus safely.

Spine. Note deformities, limitation of motion, or any history of pain, injury, or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired conditions; or spondylolisthesis or scoliosis.

Recto-genital studies. Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling, or during periods of prolonged driving that might be necessary as part of the school bus driver's duties.

Laboratory and other special findings. Urinalysis is required, as well as other tests that the examining health care professional, through the exercise of professional judgment, determines are necessary. A serological test is required if the examinee has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies may be ordered by the examining health care professional.

Diabetes. If the examinee has diabetes mellitus that is currently controlled by insulin, a hypoglycemic drug, or diet and that does not interfere with the ability to control and operate a school bus safely, the examinee shall be advised to obtain adequate medical supervision.

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).

Exhibit B. Proof of Completion of Behind-the-wheel Training and Driving Test**ARIZONA DEPARTMENT OF PUBLIC SAFETY****PROOF OF COMPLETION OF BEHIND-THE-WHEEL TRAINING AND
DRIVING TEST**

A.R.S. § 28-414.01(B)(2) requires an applicant to “complete . . . behind the wheel training,” before being certified as a school bus driver. The behind-the-wheel instructor shall complete this form to show that the applicant has completed a minimum of 20 hours of behind-the-wheel training as required by A.A.C. R17-9-102(E)(6).

Applicant's Name_____

Date of Completion of Training_____

Employer/School Dist._____

Employer No./Dist. No._____

Hours of training on each type of school bus:

Type A_____

Type B_____

Type C_____

Type D_____

Special Needs (Type A, B, C, or D)_____

ROAD TEST

After completing a minimum of 20 hours of behind-the-wheel training, an applicant shall demonstrate the ability to operate a school bus and transport passengers safely by passing an operations test. The behind-the-wheel instructor shall accompany the applicant and rate the applicant's performance.

INSTRUCTION

This test shall be conducted on streets or highways. Simulated stops (passenger loading and unloading and railroad grade crossings) shall be in areas where traffic will not be disrupted.

DRIVING TEST SCORE SHEET

A behind-the-wheel instructor shall place an X on a dot if the applicant demonstrates competence in the following areas:

PRE-TRIP OPERATIONS CHECK

- Checks all items listed in R17-9-108(D)(1) and (2)
- Fastens seat belt before moving the school bus

GEAR SELECTION & CLUTCH

- Selects proper gear
- Coordinates use of clutch & accelerator
- Performs downshifting/double-clutching procedures
- Is able to start motion of school bus on a grade

BRAKES

- Applies brakes smoothly
- Observes air pressure, vacuum, or hydraulic gauge

MIRRORS

- Checks for proper adjustment of outside and inside mirrors

STOPS FOR RAILROADS

- Stops within 50 ft., but not less than 15 ft., of nearest rail
- Activates hazard lamps a minimum of 100 ft. from railroad crossing
- Stops, opens service door and driver's side window, looks and listens for trains in accordance with R17-9-104(B)
- Closes service door before moving across the railroad tracks
- Crosses railroad crossing without changing gears in the school bus

DRIVING TECHNIQUES

- Uses turn signals when changing lanes
- Uses turn signals when making turns
- Uses proper lanes when turning
- Activates turn signal no less than 100 ft. before turn
- Maintains distance between school bus and other vehicles appropriate for speed and traffic and weather conditions
- Drives at speed that is legal and appropriate for conditions

PASSENGER LOADING/UNLOADING

- Uses 4 or 8-light system
- Extends stop arm when stopping
- Positions school bus in compliance with standards in R17-9-104(B) when loading and unloading passengers

BACKING

- Complies with R17-9-104(B)(13) and (14)
- Uses assistance when backing adjacent to a school
- Sounds horn if there is no alarm that works automatically with backup lamps
- Observes backing procedure in all situations

PARKING

- Uses proper parking procedures
- Uses parking brake system properly
- Uses proper gear placement when parking

The following require that an applicant be rejected:

1. A chargeable accident during training.
2. Instructor having to take controls of school bus because of unsafe driving performance.
3. Violations of A.R.S. Title 28 that could cause an accident or injury to passengers.

Based on the driving test given, I conclude that _____
Applicant's Name

is • is not • qualified to operate a school bus and transport passengers safely.

 Behind-the-wheel Instructor Signature

 Cert. No.

 Date

Historical Note

Adopted effective February 16, 1996 (Supp. 96-1).